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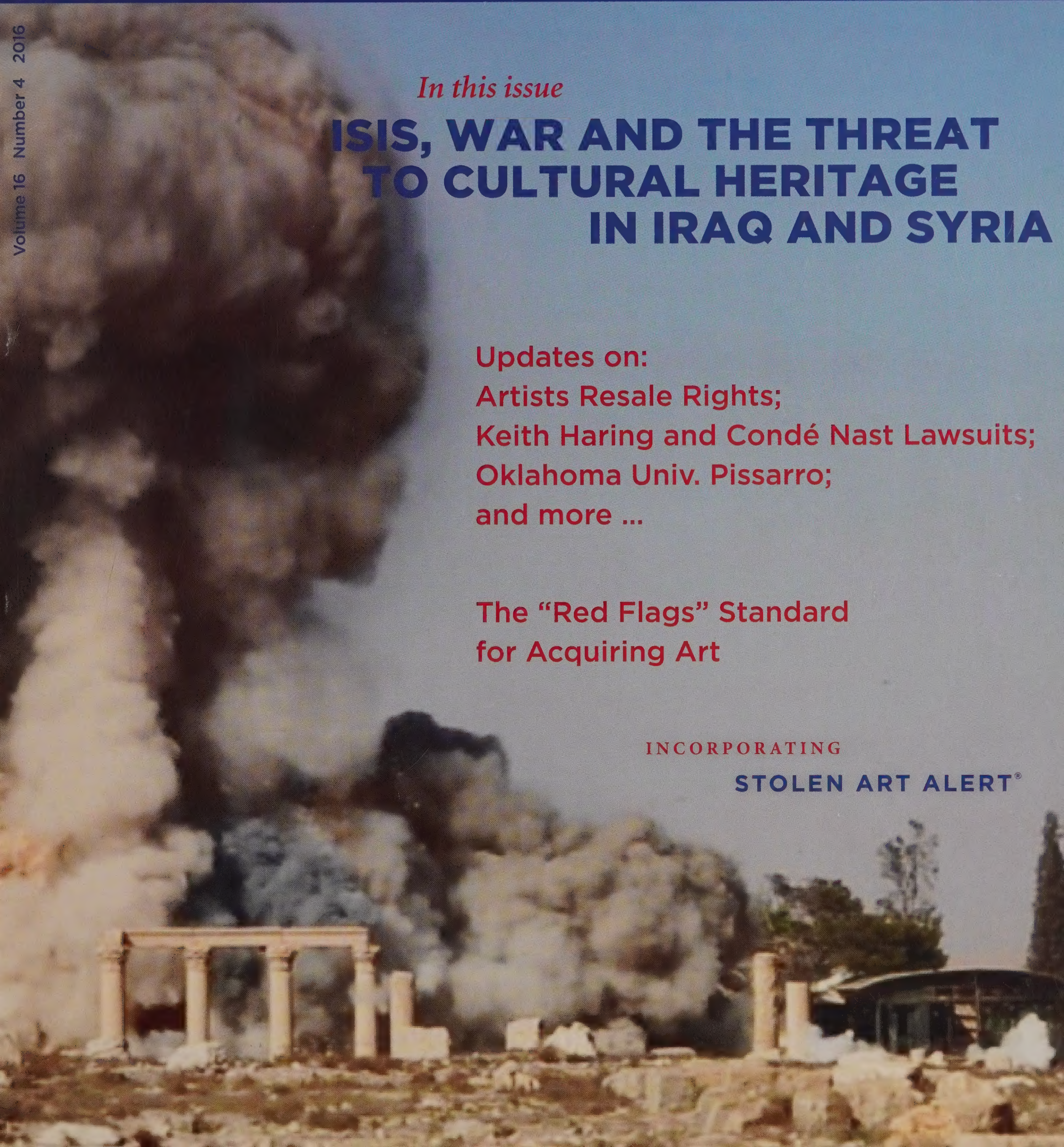

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ISIS, WAR AND THE THREAT TO CULTURAL HERITAGE IN IRAQ AND SYRIA

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Keith Haring and Condé Nast Lawsuits;
Oklahoma Univ. Pissarro;
and more ...

The "Red Flags" Standard
for Acquiring Art

INCORPORATING

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EDITOR-IN-CHIEF: Sharon Flescher
EDITOR: Kathleen Ferguson
DESIGN: Alice Fisk MacKenzie

International Foundation for Art Research (IFAR)
500 Fifth Avenue, Suite 935, New York, NY 10110
Tel: (212) 391-6234 Fax: (212) 391-8794 www.ifar.org

EXECUTIVE DIRECTOR: Sharon Flescher
ASSISTANT TO THE DIRECTOR: Kathleen Ferguson
ART RESEARCH DIRECTOR: Lisa Duffy-Zeballos

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COVER: Image released by ISIS in August 2015 showing the bombing of the Temple of Baalshamin in the ancient city of Palmyra in Syria.

IN MEMORIAM

HERBERT HIRSCH

1920 – 2015

TRUSTED COUNSELOR AND FRIEND
IFAR LAW ADVISORY COUNCIL MEMBER, 1998 – 2015

WE WILL MISS YOU

All of us at IFAR mourn the passing of our good friend and wise Law Advisory Council member, Herbert Hirsch. Over the course of many years, Herb (as he preferred to be called) acted as our pro bono attorney and advisor, giving sage recommendations on numerous legal conundrums, some of which have had a lasting effect on the very existence of our organization. Always available, even when in ill-health, Herb was a staunch ally and a force to be reckoned with. Our dealings over the License Agreement with the Art Loss Register — often difficult — offer a perfect example of his generous and dedicated service. Herb guided us through lengthy and complex negotiations that placed heavy demands on his time and energy, with never a complaint and always achieving the best possible outcomes for IFAR — a testament to his work ethic and sagacity. We will always be grateful!

Herb spent his legal career with Fried, Frank, Harris, Shriver & Jacobson, one of New York's premier law firms, rising to become a partner in the Corporate Law Department. I personally can attest to his work ethic and sagacity, since, many years ago, he guided me through the successful sale of my company. But, as stellar as his reputation was in this area of expertise, art was perhaps his first love. This translated into a professional vocation, art law, a merger of his legal background and innate creativity. He became the Chairman of the Art Law Committee of the New York City Bar Association, and rarely missed an *IFAR Evening* lecture or panel — a true Renaissance man!

Herb was a devoted family man, the father of three sons, one of whom sadly predeceased him. He is survived by the two others – Laurence and Dennis, three daughters-in-law, several cherished grandchildren, and other relatives. He lived until 90 years of age, active to the end. This extraordinary, and exceptional, man will be sadly missed by all who knew and appreciated him. We at IFAR are particularly indebted to Herb, and will remember him fondly and with gratitude. Our sincere condolences to his family.

— JACK A. JOSEPHSON
Chairman Emeritus, IFAR

KEITH HARING FOUNDATION AND CONDÉ NAST BOTH PREVAIL ON APPEALS

In December, the federal appellate court in New York affirmed rulings in two unrelated cases that IFAR has been following. First, on December 2, it affirmed the dismissal of a lawsuit against the Keith Haring Foundation that was filed after it denounced a group of purported Harings as "fakes, forgeries, counterfeits and/or infringements." Second, on December 8, a different panel of the court affirmed the dismissal of a defamation suit against Condé Nast Publishing stemming from a 2010 *New Yorker* article about Canadian art conservator and forensic scientist Peter Paul Biro.

THE HARING SUIT

In *Bilinski v. The Keith Haring Foundation,*[1] the Second Circuit Court of Appeals issued a 12-page opinion affirming the district court's dismissal of multiple claims against the Foundation. The Second Circuit rejected the plaintiffs' appellate arguments that the Foundation had defamed them when it issued a press release in 2013 saying that more than 100 works they owned (and likely still own) were fake. The court also rejected the plaintiffs' product disparagement and business tort claims due to their failure to adequately plead "special damages," demonstrating "loss of something having economic or pecuniary value."

As reported previously in *IFAR Journal,*[2] the case arose when a Miami exhibition entitled "Haring Miami" featured 175 supposed Haring works owned by the 20 plaintiffs. The Foundation sprang into action, contacted the organizers seeking a temporary restraining order, and issued the aforementioned press release saying the show featured "fakes, forgeries, counterfeits and/or infringements." It turned out that the Foundation had previously reviewed 41 of the works and had rejected them as "not authentic" in 2007. A Foundation representative who attended opening night of the Miami show concluded that only 10 of the 175 works were authentic. The exhibition's organizers agreed to remove all but those 10 works.

In two 2014 lawsuits that were later consolidated, the plaintiffs accused the Foundation of state and federal anti-trust violations as well as various state law torts. The lower court dismissed all the claims in March 2015. The plaintiffs appealed part of that judgment, leading to the December 2015 appellate decision.

THE CONDÉ NAST SUIT

Biro v. Condé Nast[3] goes back to the aforementioned July 12, 2010 *New Yorker* article about Peter Paul Biro, "The Mark of a Masterpiece: The man who keeps finding famous fingerprints on uncelebrated works of art." The lengthy article detailed Biro's use of fingerprint technology in the discovery of a work by J.M.W. Turner, as well as his fingerprint analyses of several works said to be by Jackson Pollock and also a drawing, *La Bella Principessa,* that Oxford professor emeritus Martin Kemp contends (and other scholars dispute) is an original work by Leonardo da Vinci. Biro sued the publisher, Condé Nast, the author, David Grann, and several other players who republished or referred to the article for defamation and other claims.

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[1] *Bilinski v. The Keith Haring Foundation,* No. 14-cv-1085-DLC *slip op.* (S.D.N.Y. Mar. 6, 2015); *aff'd* by No. 15-1121 *slip op.* (2d Cir. Dec. 2, 2015).

[2] See Sharon Flescher and Ann-Margret Gidley, "Authenticity Suit Against Haring Foundation Dismissed; Appeal Filed," *IFAR Journal,* Vol. 16, nos. 1 & 2 (2015), pp. 7-10.

[3] For our previous reporting, see Mary Morabito Rosewater and Sharon Flescher, "Myth of Fingerprints? Some of Forensic Scientist's Defamation Claims Against *The New Yorker* Survive Dismissal," *IFAR Journal,* Vol. 13, no. 4 (2013), pp. 9-12; and Ann-Margret Gidley and Sharon Flescher, "Fingerprint Specialist's Defamation Suit Against the *New Yorker* Fails; Appeal Expected," *IFAR Journal,* Vol. 14, no. 3 (2013), pp. 15-16.

In 2012 and 2014, the district court in New York dismissed the claims. Biro appealed.

> "... while 'there is little question that a reader may walk away from the Article with a negative impression of Biro,' [Biro] had failed to plead sufficient facts to give rise to a plausible inference that the defendants had acted with 'actual malice' ..."

On appeal, the Second Circuit noted that while "there [was] little question that a reader may walk away from the Article with a negative impression of Biro,"[4] he had failed to plead sufficient facts to give rise to a plausible inference that the defendants had acted with "actual malice," the applicable legal standard. Although four of Biro's claims initially survived at the district court level, they, too, were later dismissed for being factually insufficient.

Biro argued on appeal that the lower court had applied too strict a pleading standard and suggested that actual malice in a defamation suit could be generally alleged rather than stated with specificity, as is otherwise generally required. The Second Circuit rejected that argument and instead ruled that the pleading standard in defamation cases, and specifically the malice inquiry, is no different than general pleading standards previously established by the Supreme Court.[5] It appears now, more than 5 years after the publication of the article, that the legal case has run its course.

—Ann-Margret Gidley
Legal Associate, IFAR

and **Sharon Flescher**
Executive Director, IFAR

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[4] *Conde Nast v. Biro,* No. 14-3815, slip op. at 4 (2d Cir. Dec. 8, 2015) *(quoting Biro v Conde Nast (Biro I)* (S.D.N.Y.), 883 F.Supp. 2d 441, 482 (S.D.N.Y. 2012)).

[5] See generally *Ashcroft v. Iqbal,* 556 U.S. 662 (2009) and *Bell Atl. Corp. v Twombly,* 550 U.S. 554 (2007).

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GETTY DISPLAYS ARMENIAN MANUSCRIPTS AFTER LEGAL DISPUTE IS SETTLED

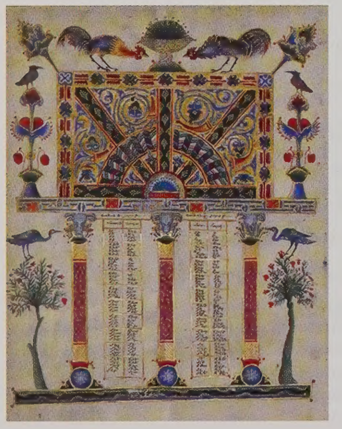

FIGURE 1. ***Canon Table Page*** **from the *Zeyt'un Gospels,* 1256, Toros Roslin. Gift of the Catholicosate of the Great House of Cilicia. Ph: J. Paul Getty Museum.**

A win-win legal settlement in September 2015 between the J. Paul Getty Museum in Los Angeles and the Armenian Apostolic Church of America over the ownership of several pages from a medieval manuscript has resulted in a new exhibition that would have been unthinkable when the suit was launched. The exhibition, *Traversing the Globe Through Illuminated Manuscripts,* features two of eight brilliantly illuminated pages that were at the heart of the five-year ownership battle.

The pages, known as the Canon Tables, are effectively the table of contents from the "Zeyt'un Gospels," created for the Emperor Constantine I in the 13th century. The Getty purchased the eight pages for nearly $1 million in 1994 from an Armenian-American family. It is unclear when and how the pages were separated from the manuscript. The Armenian Church believed that the manuscript was sent to Turkey during the Armenian Genocide (1915-1923); that it was thereafter acquired by the Patriarchate of the Armenian Church in the late 1920s; and that the eight pages were removed between 1947 and 1948 when the manuscript was sent to Aleppo for authentication. The Getty contended that the entire manuscript was legally acquired by an Armenian family, the Atamians, during the early 1920s in Turkey, and that the family brought only 8 pages with them when they emigrated to Massachusetts in 1923 and kept the pages until 1998, when a family member sold them to the Getty.

The Church filed a replevin and conversion suit against the museum in June 2010[1] seeking a declaratory judgment for the return of the pages as well as $35 million in damages. The Church claimed its suit was timely under the applicable statute of limitations[2] because it did not discover that the missing pages were in the Getty's possession until June 2007.

The Getty sought to dismiss the suit, arguing that it was barred by several legal doctrines, including the statute of limitations. Citing documents from 1943 and 1952, the Getty asserted that the Church had in fact discovered the whereabouts of the pages "as long as seventy years ago, and certainly more than six," and that recent amendments to the applicable California statute of limitations were unconstitutional, thereby barring the suit.

In November 2011, the state court judge suspended the case and ordered the parties to attempt to resolve their dispute through mediation. Later, he stayed the case pending the outcome of an unrelated federal case, *Cassirer v. Spain*[3]— a complicated Holocaust-era ownership claim over a Pissarro painting.[4] A federal appellate court ruled in *Cassirer* in December 2013 that the recent amendments to California's statute of limitations were *not* unconstitutional, indirectly bolstering the Church's claim against the Getty for the manuscript pages.

With neither side certain of victory, the museum and Church reached the above-mentioned settlement agreement in September 2015, in which the Getty acknowledged the Church as the proper owner and agreed to pay all legal fees incurred during the litigation, and the Church donated the pages to the museum. The Church simultaneously praised the museum for its safeguarding and care of the manuscripts.

The current exhibit runs until June 26. The manuscript's materials — tempera and gold paint on vellum — are too fragile for permanent display. The possibility was left open that the Getty's eight pages would be displayed at some point in the future with the entire Zeyt'un Gospels manuscript, currently housed at the Mesrob Mashotos Madenataran Museum in Yerevan, Armenia.

—A.M.G.

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[1] *Western Prelacy of the Armenian Apostolic Church of America v. J. Paul Getty Museum,* No. BC438824 (Cal. Super. Ct. filed June 1, 2010).

[2] Cal. Civ. Proc. Code §338(c)

[3] *Cassirer v. Kingdom of Spain,* 461 F. Supp. 2d 1157 (C.D. Cal. 20060,; *aff'd in part and dismissed in part, en banc,* 616 F.3d 1019 (9th Cir. 2010); *on remand sub nom Cassirer v. Thyssen-Bornemisza Collection,* slip op., No. 05-CV-3459-GAF (C.D. Cal. May 24, 2012); *rev'd in part, aff'd in part, and remanded by* 737 F.3d 613 (9th Cir. 2013); *summary judgment granted by* slip op., No. 05-cv-3459-JFW (C.D. Cal. June 4, 2015).

[4] See IFAR's extensive coverage of *Cassirer v. Spain* in the *IFAR Journal,* Vols. 10(2), 2008; 12(4), 2011; 13(3), 2012; 14(4)/15(1), 2014; 16 (1&2), 2015; 16(3), 2015.

LETTERS TO THE EDITOR

REMINDER

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CALIFORNIA RESALE ROYALTY CASE THROWN OUT - *AGAIN* - AFTER AUCTION HOUSES RAISED NEW CHALLENGES

The saga over the validity of the California Resale Royalty Act (CRRA)[1] continues. On January 12, 2016, the U.S. Supreme Court declined to review a May 2015 appellate decision that limited the Act's reach to within California, and now in April, on remand, as *IFAR Journal* was at press, a lower court has ruled that the *entire* law is pre-empted, and therefore invalid, on entirely different grounds. Ninth Circuit review seems inevitable.

The CRRA, which went into effect in 1977, and was (is?) the only law in the U.S. granting resale royalties to artists, requires sellers to pay a 5 percent royalty to living artists whenever an artwork is re-sold in California. It has been under legal attack for more than five years and before then, it was honored more in the breach.[2]

> "When the Supreme Court declined to review that decision this January, the case returned to the district court where the defendant auction houses raised new arguments . . . On April 11, 2016, in an unusually quick decision, the district court agreed and threw out the case completely . . ."

In 2012, the District Court of California initially ruled the California law invalid on constitutional grounds in a lawsuit filed by artists attempting to enforce the law and collect royalties from auction houses.[3] The Ninth Circuit Court of Appeals, however, revived part of the law last May (2015). When the Supreme Court declined to review that decision this January, the case returned to the district court where the defendant auction houses raised new arguments – this time contending that the law was pre-empted by the federal Copyright Act. On April 11, 2016, in an unusually quick decision, the district court agreed and threw out the case completely because the law "disrupts the equilibrium of the Copyright Act" by broadening the scope of copyright beyond what Congress intended.

The legal case didn't start as a challenge to the Act itself. Rather, as a class action lawsuit brought in October 2011 by artists Chuck Close and Laddie John Dill, along with the Estate of Robert Graham, against Sotheby's to enforce the statute. As originally written, the CRRA required the royalty payment to an artist if "the seller resides in California or the sale takes place in California." But the plaintiff artists claimed that the auction house had systematically refused to pay the required royalties and had failed to apprise them of royalty-generating sales. The case was consolidated with another class action that made similar allegations against Christie's and a third suit against eBay. The auction houses moved to dismiss the complaints on the grounds that the CRRA was unconstitutional because it "improperly extended beyond California's borders" in violation of the Commerce Clause of the U.S. Constitution. In other words, it could in principle affect a sale in New York so long as the seller was a California resident.

A California federal district court agreed. In the aforementioned May 2012 ruling, it struck down the CRRA in its entirety. Noting that the Constitution prohibits states from controlling "commerce occurring wholly outside" their boundaries, the court sided with the auction houses and declared the CRRA unconstitutional.

The plaintiff artists appealed to the U. S. Court of Appeals for the Ninth Circuit, which only partially agreed with the lower court. Sitting en banc, the appellate court agreed that the portion of the CRRA that required royalties on out-of-state sales was unconstitutional, but rather than strike the law in its *entirety* as the lower court had done, it chose last

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[1] Cal. Civil Code § 986.

[2] See previous coverage of resale royalties in the *IFAR Journal*, including Vol. 12, no. 4 (2011); Vols. 14/15, nos. 4 & 1 (2014); Vol. 15, nos. 3 & 4 (2014); Vol. 16, nos. 1 & 2 (2015).

[3] See *Estate of Robert Graham v. Sotheby's, Inc.*, No. 11-cv-08604 (C.D. Cal. filed 2011).

May to sever the unconstitutional aspect.[4] As a result, the law would only apply when a work of fine art is sold in California. That decision now stands as the final word on the Commerce Clause challenge, given the Supreme Court's decision not to review it.

Both sides claimed victory. Artists and their foundations celebrated the upholding of the CRRA in California, one of the most important U.S. art markets, and were planning to go forward with their demands for back-due royalties. For their part, the defendant auction houses seemed pleased that the part of the Act affecting sales *outside* California was invalidated.

Evidently, they weren't pleased enough. Back in district court this February, the auction house defendants filed two motions to dismiss. One motion argued that the court lacked jurisdiction over the case because the plaintiff artists failed to cite any actual instances of California sales for which they were owed royalties. The second, much lengthier motion, argued that the California law was pre-empted by federal copyright law on multiple grounds, including that the state law runs afoul of the "first sale doctrine," which was addressed recently by the U.S. Supreme Court in another case that IFAR has been following, *Kirtsaeng v. John Wiley & Sons* (see page 11), which permits owners of copyrighted works to re-sell them "without the authority of the copyright owner."[5] Oral argument on the copyright motion was heard in late March and the swift ruling followed only weeks later, in April.

Dismissing the case entirely for the second time,[6] the district court held that the CRRA is invalid because it "runs headlong" into the first sale doctrine – and is therefore pre-empted by the Copyright Act. The court explained that state laws must give way when they disrupt the delicate balance that the Copyright Act strikes "between the interests of copyright holders and 'society's interest in the free flow of ideas, information, and commerce.'"[7] In reaching that conclusion, the court explained why a 1980 Ninth Circuit case[8] that adopted a different interpretation of the CRRA was not controlling. In its view, recent decisions of the U.S. Supreme Court and the Ninth Circuit have eroded that precedent so much so that it no longer represents a binding interpretation of the CRRA. Acknowledging that the pre-emption issue "is a close one," the court noted that its present ruling was "regrettable" in that it would result in a second trip to the Ninth Circuit.

Resale royalties for artists has been a controversial issue in the U.S. although dozens of other countries, including all of the E.U., have enacted royalty laws, sometimes called *droit de suite*. Congressional bills to enact a national resale royalty have been introduced three times, but have failed to become legislation. The current version, the ART (American Royalties Too) Act,[9] was introduced into Congress by Rep. Jerrold Nadler of New York and Rep. Tammy Baldwin of Wisconsin last April. If passed, it would provide a national resale royalty of five percent (up to $35,000) of the sales price for any work of visual art sold at auction for $5,000 or more at any auction house with at least $1 million of visual art sales in the previous year. It would not apply to private sales or sales through galleries, both administratively more difficult to monitor, yet their exclusion did not sit well with the auction houses. The bill is currently before the House's Subcommittee on Courts, Intellectual Property, and the Internet.

— **A.M.G.** and **S.F.**

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[4] See *Estate of Robert Graham v. Sotheby's, Inc.* and *Sam Francis Found. v. Christie's, Inc.*, Nos. 12-56077 and 12-56067 slip op. (9th Cir. May 5, 2015).

[5] See 17 U.S.C. 109.

[6] See *Estate of Robert Graham*, No. 11-cv-08604, slip op. (C.D. Cal. Apr. 11, 2016).

[7] *Ibid.* (citing *Sony Corp. of Am. v. Universal City Studios, Inc.*, 464 U.S. 417, 429 (1989).

[8] *Morseburg v. Balyon*, 621 F.2d 972 (9th Cir. 1980).

[9] See H.R. 1881; S. 977.

CPAC ACTIVITY (INACTIVITY?) – ITALY, CAMBODIA, BELIZE, EGYPT

RENEWED AGREEMENT WITH ITALY

On January 12, 2016, the U.S. and Italy extended for another five years their Memorandum of Understanding (MoU) to protect "at risk" cultural heritage of Italy. Under the terms of the agreement,[1] designated objects entering the U.S. must be accompanied by an export permit issued by Italy or verifiable documentation indicating that they left Italy prior to the effective date of the restriction: January 23, 2001 for most objects and January 19, 2011 for coins.

2001 was the date of the first MoU signed between Italy and the U.S. under the Cultural Property Implementation Act (CPIA), the U.S. implementing legislation for the 1970 UNESCO Convention. MoUs must be renewed every five years, and are reviewed by the Cultural Property Advisory Committee (CPAC), housed in the U.S. State Department. The U.S.-Italy agreement was extended in 2006, and expanded and renewed again in 2011, at which time coins were added (not without controversy) to the types of restricted objects. The Designated List of restricted types of objects under the current MoU remains unchanged from the 2011 agreement. It includes Italian archaeological material dating from approximately the 9th century B.C. to the 4th century A.D., including sculptures, monuments, wall paintings, decorated vessels, jewelry, weapons, armor, inscriptions on metal, and mosaics, as well as "coins of Italian types" dating from the 9th century B.C. to 37 A.D.

Under the 2016 renewal, Italy also agreed to use its best efforts to adopt uniform and transparent procedures regarding international loan requests; to remove impediments that currently exist on loans between the two countries; and to explore the feasibility of promoting a legislative initiative on the application of immunity from seizure for certain objects imported into Italy for temporary display or exhibition.

CAMBODIA AND BELIZE AGREEMENTS UNDER REVIEW

In other news, CPAC met on February 2nd and 3rd to conduct interim reviews of the MoUs between the U.S. and Belize, originally enacted in 2013, and the U.S. and Cambodia, which was enacted in 2003 following emergency restrictions and then renewed twice. No public comment is currently sought.

NO ACTION REGARDING EGYPT

Meanwhile, a request by Egypt in April 2014 to restrict the importation into the U.S. of "at risk" Egyptian cultural objects languishes in CPAC.

— A.M.G.

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[1] Available at http://eca.state.gov/cultural-heritage-center/cultural-property-protection/bilateral-agreements/italy.

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ERRATUM

In the article "Convicted Fraudster Claims de Koonings are Fake; Court Experts Agree" (*IFAR Journal*, Vol. 16, no. 3 [2015]), IFAR reported that experts who testified on both sides in an ongoing lawsuit agreed that 14 paintings purportedly by de Kooning were "not authentic" and "*not* by de Kooning." To clarify, neither expert *explicitly* referred to the works as "not authentic." Nonetheless, this was the obvious conclusion based on their reports and testimony as discussed in the article. IFAR also explained that one expert "took issue with several aspects of the works, including a lack of provenance." We should have said either, "... concerns about the provenance" or "a lack of convincing provenance linking the works to de Kooning," as the paintings do, in fact, have a stated provenance.

A-OK: OKLAHOMA UNIVERSITY AND HOLOCAUST SURVIVOR SETTLE PISSARRO DISPUTE

The University of Oklahoma and Léone Meyer, the sole heir to a French businessman whose art collection was looted by the Nazis, have settled a long-standing dispute over a Pissarro painting that was donated to the University in 2000. Under the unusual agreement announced on February 23, 2016, the university will transfer title to the 1886 oil painting, *Bergère retrant des moutons* (also known as *"La Bergère")* **(FIG. 1)** to Meyer, but the work will rotate between the University's Fred Jones, Jr. Museum of Art and various French institutions. No money will exchange hands.

The case was originally filed in federal court in New York in May 2013 and later transferred to Oklahoma,[1] and has been followed closely by IFAR.[2] It was litigated in the court of public opinion as much as in legal courtrooms and raised thorny issues about the precedential value of decades-old foreign court rulings, the ethics surrounding the use of procedural defenses against claims to Nazi-looted works, and the potential liability of professional museum associations for the actions of member institutions. It also spurred the Oklahoma state legislature to take the unprecedented step of passing legislation directing the university to research the painting's provenance.

The 1886 painting was one of 33 works donated to the university in 2000 by Aaron and Clara Weitzenhoffer, who had purchased it from a New York gallery for $14,000 in 1957. As part of the settlement, all parties acknowledged the good faith nature of the Weitzenhoffer's purchase.

The painting's history prior to 1957 is only partly known. Léone's father, Raoul Meyer, a French-Jewish co-owner of the Parisian department store Galeries Lafayette, placed his art collection into a bank vault for safe-keeping in March 1940, just prior to the German invasion of France. In February 1941, Nazi officials seized Meyer's collection, including *La Bergère*. The painting was apparently shipped to Switzerland, where it was sold or exchanged for other works. After the war, Meyer recovered several of his looted works, but not *La Bergère*.

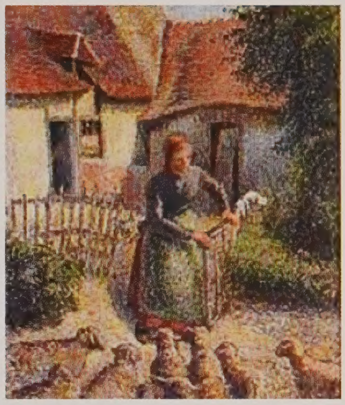

FIGURE 1. CAMILLE PISSARRO. ***Bergère rentrant des moutons*** **Shepardess Bringing in Sheep), 1886, also known as *La Bergère*.**

Although the painting changed hands several times, Meyer located it in 1951 and filed suit in Switzerland for its return. Under Swiss law, a five-year statute of limitations, which ended in 1950, barred his claim *unless* he could prove that the current possessor had acted in bad faith. In 1953, the Civil Court in Basel, Switzerland ruled that Meyer had failed to prove that the then current possessor, Christoph Bernoulli, had acquired *La Bergère* in bad faith. Following the Swiss court's ruling, Meyer lost track of the painting.

His daughter Léone picked up the banner. She learned of the whereabouts of the painting in March 2012 and contacted the University seeking its return. After the University refused, she filed suit in New York, arguing that the New York court (generally considered more favorable to claimants) had jurisdiction because the Weitzenhoffers had purchased the work in New York. She alleged that the University of

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[1] *Meyer v. University of Oklahoma,* No. 13-cv-3128, slip op. (S.D.N.Y. May 14, 2014); *remanded by* No. 14-2044, slip op. (2d Cir. March 12, 2015); *transferred by* No. 13-cv-3128, slip op. (S.D.N.Y. Apr. 7, 2015).

[2] See *IFAR Journal,* Vol. 15, nos. 3 and 4 (2014) and Vol. 16, nos. 1 and 2 (2015).

Oklahoma had shown "blatant disregard [for] its … obligations" to research the provenance of the works bequeathed by the Weitzenhoffers, several of which had uncertain provenances. In its response, the university argued that Meyer's claim was barred by the doctrine of *res judicata* because the issue had already been litigated by her father in a Swiss court and should not be revisited by a U.S. court. The university did not deny that the painting had been looted.

"The painting will be transferred by summer 2016 to a museum in France, where it will be on display for five years. After that, it will rotate for three-year periods between the university museum and French institutions."

Meyer later added the gallery where the Weitzenhoffers purchased the painting, the American Alliance of Museums (AAM), and the Association of Art Museum Directors (AAMD) as defendants, marking the first time that a plaintiff in a WWII restitution case sought to hold either organization liable for the actions of one of its member institutions. The district court in New York dismissed the suit in May 2014 for lack of personal jurisdiction, and stated that Meyer should re-file in Oklahoma.

Shortly thereafter, Meyer dropped her claims against the gallery, the AAM, and the AAMD but appealed the dismissal of her suit against the university to the U.S. Court of Appeals for the Second Circuit. She argued that the case should have been *transferred* to federal court in Oklahoma rather than dismissed. The Second Circuit agreed and remanded the case back to the district court, directing it to consider whether it should be transferred in "the interest of justice."

The district court begrudgingly complied, noting that Meyer had never requested a transfer to Oklahoma and accusing her of filing suit in New York solely for its claimant-friendly laws. It then transferred her case.

In Oklahoma, the suit attracted more attention than it had in New York, with one Oklahoma state representative calling the University's actions "a moral outrage." On May 22, 2015, the Oklahoma House of Representatives unanimously passed a resolution directing the University and its museum "to conduct provenance research on objects in its collection. …", and also directing other procedures toward the resolution of Nazi-era claims.

Four days later, the University released a statement saying that it was "already researching the provenance" of works and was also negotiating a "mutually agreeable solution" regarding the Pissarro. When nothing seemed to come of the resolution, university students protested in September 2015.

A tentative settlement between the University and Meyer was announced two months later, but the final terms of the agreement were not made public until February. In addition to the aforementioned terms, Meyer agreed to donate the painting to a French museum, either during her lifetime or in her will. The painting will be transferred by summer 2016 to a museum in France, where it will be on display for five years. After that, it will rotate for three-year periods between the university museum and French institutions. Meanwhile, Meyer continues to search for other works that were stolen from her family.

— **A.M.G.** and **S.F.**

• • •

KIRTSAENG WON THE COPYRIGHT CASE — NEXT UP: ATTORNEYS' FEES

A new development will put the ground-breaking 2013 copyright case that pitted a grad student against a publishing house back in front of the U.S. Supreme Court.[1] Supap Kirtsaeng, who was sued for importing copyrighted textbooks that were distributed at lower costs overseas and then resold them in the U.S. at a markup, without the publisher's permission, now wants his legal fees reimbursed.

In 2013, the U.S. Supreme Court ruled that Kirtsaeng's actions in re-selling the books to benefit from the price disparity between versions distributed in Asia and in the U.S. did not infringe the rights of the publisher, John Wiley & Sons.[2] On remand, Kirtsaeng sought to recover his substantial attorney's fees as provided by the U.S. Copyright Act, which permits a court to "award a reasonable attorney's fee to the prevailing party."[3] After both the district court and Second Circuit Court of Appeals denied his request, however, Kirtsaeng petitioned the Supreme Court to weigh in.

On January 15, the Supreme Court accepted his petition for certiorari,[4] in which he argued that the Second Circuit's standard for awarding fees to a prevailing party is at odds, or "splits", with those of other federal appellate courts. He also argued that the Second Circuit's approach treats parties differently, thereby creating a "dual standard" by which prevailing plaintiffs much more easily obtain fee awards than prevailing defendants – a result the Supreme Court previously rejected.[5] The outcome of the case may have far-reaching effects on copyright law – once again.

— **A.M.G.**

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[1] For IFAR's previous coverage, see Ann-Margret Gidley and Sharon Flescher "The Long Arms of a Textbook Case — *Kirtsaeng* Book Decision Applauded by Museums," IFAR Journal, Vol. 14, no. 3(2013).

[2] *John Wiley & Sons, Inc.*, 133 S. Ct. 1351 (U.S. 2013).

[3] See 17 U.S.C. § 505.

[4] See Docket No. 15-375.

[5] Citing *Fogerty v. Fantasy, Inc.*, 510 U.S. 517 (1994).

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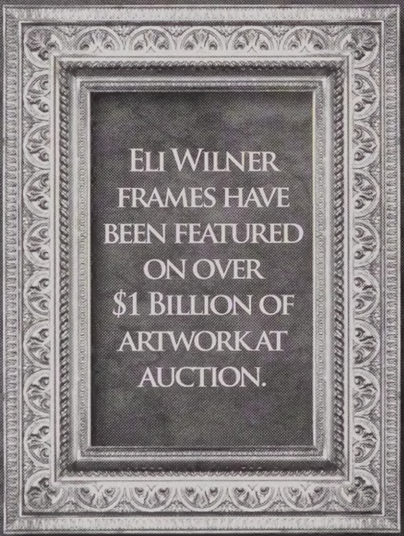
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THE "RED FLAGS" STANDARD: RATIONALIZING *ACA GALLERIES, INC. V. KINNEY*

Steven R. Schindler and Katherine Wilson-Milne*

In 2014 we wrote an article for this publication[1] on the then recent Southern District of New York decision, *ACA Galleries, Inc. v. Kinney,*[2] in which Judge Miriam Cedarbaum dismissed claims by an art gallery ("ACA") for fraud and mutual mistake surrounding its purchase of a fake Milton Avery painting **(FIG. 1),** holding that ACA should have obtained an expert opinion as to the painting's authenticity prior to purchase. Judge Cedarbaum's opinion was not based on the presence of red flags obvious to ACA prior to sale, but rather on the fact that ACA had the opportunity to authenticate pre-sale and did not do so.

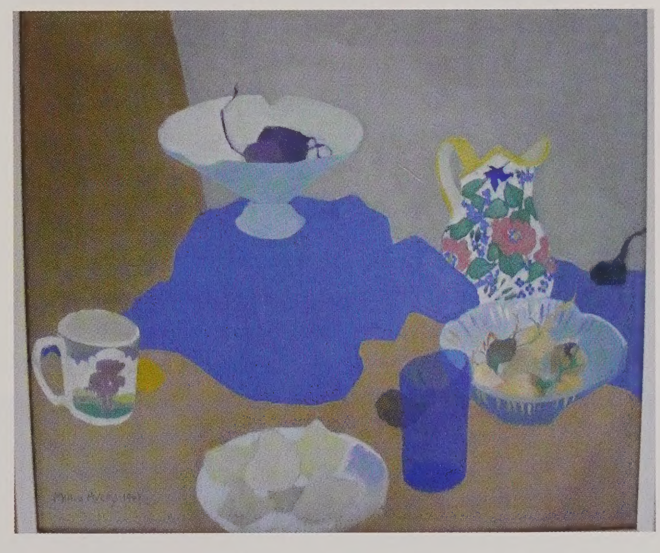

FIGURE 1. ***Summer Table,* which was sold in 2007 as a Milton Avery painting and was later determined to be a fake.**

We argued in our prior article that *ACA v. Kinney* could be read to put purchasers of fine art on notice that a new and stricter legal standard now applies to their pre-sale diligence efforts than the law around art sales has previously suggested. We also argued that, had the district court relied upon cases dealing with fraud and mutual mistake in the fine art context, it might not have required a buyer of fine art, absent obvious red flags, to hire an expert to authenticate such work prior to purchase. We suggested that a legally cogent standard, and one most consistent with existing precedent on fraud, mutual mistake and Uniform Commercial Code warranty provisions concerning title and authenticity,[3] would be to require a buyer of fine art to engage in due diligence as to a work's authenticity prior to sale only *where there are obvious red flags* suggesting that the work may be inauthentic.

> "These cases, read together, represent an effort by subsequent courts to rationalize *ACA v. Kinney* into a 'red flags' standard."

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* Steven R. Schindler, Esq. is a founding partner at the New York law firm of Schindler Cohen & Hochman, LLP. He is also on the faculty of the Sotheby's Institute of Art. Katherine Wilson-Milne, Esq. is an Associate at Schindler Cohen.

[1] "Buyer Beware: Is There a Duty to Authenticate Art?", *IFAR Journal,* Vol. 15, nos. 3 & 4, 2014, pp. 28-32.

[2] *ACA Galleries, Inc. v. Kinney,* 928 F. Supp. 2d 699 (S.D.N.Y. 2013).

[3] For reasons that are not entirely clear, ACA did not assert a Uniform Commercial Code breach of warranty claim, even though it was well within the four-year statute of limitations under U.C.C. § 2-725.

The Second Circuit affirmed Judge Cedarbaum's opinion in *ACA v. Kinney* by summary order.[4] Since then, four district court opinions have cited the case as an articulation of the law on mutual mistake. These cases, read together, represent an effort by subsequent courts to rationalize *ACA v. Kinney* into a "red flags" standard. In other words, *ACA v. Kinney* is being interpreted to set forth a standard that a buyer, suspecting forgery, cannot look the other way, *in the face of obvious red flags,* to get a better price and then later seek rescission of her contract under mutual mistake or fraud. Such cases are not, however, interpreting *ACA v. Kinney* to require that a sophisticated buyer of fine art – in the absence of red flags – undertake exhaustive due diligence and hire an expert to authenticate a work prior to sale in order to claim mutual mistake or fraud where the work is later found to be fake.

The Second Circuit, for example, in reviewing the case on appeal, focused on facts that were not emphasized by Judge Cedarbaum. The appellate panel held that: "ACA was aware that its self-conducted pre-purchase inspection provided it with 'only limited knowledge with respect to the facts to which the mistake relates but treat[ed its] limited knowledge as sufficient.' Moreover, *ACA was aware that an authentication by the Foundation 'would make the painting more saleable at a higher price.' ACA could have accepted the higher price that accompanies certainty of authenticity, but chose instead to accept the risk that the painting was a forgery.*"[5] Thus, integral to the Second Circuit's affirmance is its recognition that red flags regarding authenticity were present and ACA ignored them.

The recent summary judgment decisions arising out of claims by art purchasers against the now infamous Knoedler Gallery distinguish *ACA v. Kinney* based on a similar rationale.[6] These cases involve claims that the oldest and one of the most respected New York art galleries was knowingly selling dozens of forged works purportedly by modern masters such as William de Kooning, Robert Motherwell, Mark Rothko, and Jackson Pollock. Although initially denying that the works were fake, the *Knoedler* defendants dropped that defense when, in 2013, it was discovered that the works were actually painted by a living Chinese artist working in Queens, New York. Faced with the undisputed fact that Knoedler was selling fake art, the *Knoedler* defendants turned to more technical defenses. One of these was that *ACA v. Kinney* requires, as a predicate to bringing claims for fraud and mutual mistake, buyers of forged art works to have conducted expert examinations of the works prior to purchase – even when purchasing those works from a storied gallery such as Knoedler.

Judge Paul Gardephe, following the Second Circuit's particular focus in the *ACA v. Kinney* appeal, credited *ACA v. Kinney's* outcome to a strategic decision by ACA not to seek an authenticity opinion in the face of warning signs about the work at issue and held: "The facts here are not comparable. Plaintiffs do not operate art galleries, and they are not in the business of buying and selling works of art. Instead, they are consumers who relied on representations made by one of the most reputable and most established art galleries in New York City. *There is also no evidence that Plaintiffs made a strategic decision not to seek an expert opinion.*"[7] Here, too, *ACA v. Kinney* is rationalized as a case about red flags.

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[4] 552 F. App'x 24, 25 (2d Cir. 2014).

[5] *ACA v. Kinney*, 552 F. App'x at 25 (internal citations omitted) (emphasis supplied).

[6] See *De Sole v. Knoedler Gallery,* LLC, Nos. 12 Civ. 2313 (PGG), 12 Civ. 5263 (PGG), 2015 WL 5918458, at *42 (S.D.N.Y. Oct. 9, 2015).

[7] *De Sole v. Knoedler,* 2015 WL 5918458, at *21 n.27 (emphasis supplied). The *Knoedler* court similarly distinguished *MAFG Art Fund, LLC v. Gagosian,* 123 A.D.3d 458, 998 N.Y.S.2d 342 (1st Dep't 2014), leave to appeal denied, 25 N.Y.3d 901, 30 N.E.3d 164 (2015), relied upon by the defendants:

> In *MAFG Art Fund,* the First Department affirmed the dismissal of a fraud claim which "allege[d] that defendants misrepresented the value of certain works of art and that the values were supported by market data, when they were not," because plaintiffs had not adequately pled justifiable reliance. The court reasoned that '[a]s a matter of law, these sophisticated plaintiffs cannot demonstrate reasonable reliance because they conducted no due diligence; for example, they did not ask defendants, 'Show us your market data.'" The plaintiffs in *MAFG Art Fund,* however, were "business entities admittedly engaged in the business of art investments," with "20 years of experience making art investment decisions, having purchased and sold 'nearly 200 works' of art through defendants alone," and who "'bought, sold and exchanged pieces frequently' with an express 'art investment strategy.'"

De Sole v. Knoedler, 2015 WL 5918458, at *21 n.27 (citations omitted).

While the rest of the current cases citing *ACA v. Kinney* are non-art cases and, thus, less useful, given the fact specific nature of what constitutes reasonable diligence or reliance with respect to fraud and mutual mistake claims, they, too, fail to support Judge Cedarbaum's heightened pre-sale diligence requirement.[8]

While *ACA v. Kinney* may come to stand for the coherent "red flag" standard we articulated in our prior article, it will do so on the basis of subsequent judicial attempts to make sense of this precedent, rather than on the text of the original district court opinion.

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[8] For example, *Blum v. Spaha Capital Mgmt., LLC,* 44 F. Supp. 3d 482, 494 (S.D.N.Y. 2014) (appeal filed), held that defendants' negligence prevented mutual mistake defense as to ownership of corporate shares where the company from which the shares were issued was actually owned by defendant; *St. Paul Mercury Ins. Co. v. M & T Bank Corp.,* No. 12 Civ. 6322 (JFK), 2014 WL 641438, at *8 (S.D.N.Y. Feb. 19, 2014), rejected a mutual mistake counterclaim where only a "scintilla" of evidence suggested the opposing party might have meant something other than the plain language of the agreement at issue and not discussing any diligence requirement on the part of defendant claiming mutual mistake; *United States v. Williams,* No. 02-CR-1372 (RPP), 2014 WL 3537046, at *6-9 (S.D.N.Y. July 17, 2014), found mutual mistake existed with respect to the validity of the plea agreement where parties had miscalculated the applicable sentence, and distinguished ACA v. Kinney on grounds that ACA engaged in "conscious ignorance."

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ISIS, WAR AND THE THREAT TO CULTURAL HERITAGE IN IRAQ AND SYRIA

An *IFAR Evening,* August 11, 2015

SPEAKERS IN SEQUENCE

RICHARD L. ZETTLER, Ph.D.
Associate Curator-in-Charge, Near East Section, Penn Museum,
University of Pennsylvania

AMR AL-AZM, Ph.D.
Associate Professor, Middle East History and Anthropology, Shawnee State University

MICHAEL D. DANTI, Ph.D.
Academic Director, American Schools of Oriental Research Cultural Heritage Initiatives

BRENTON M. EASTER
Senior Special Agent, U.S. Department of Homeland Security (ICE)

EDITOR'S NOTE/ INTRODUCTION

The rise of ISIS — also known as the Islamic State, ISIL or DAESH — in Iraq, and the war in Syria, have taken a terrible toll on the monuments, archaeological sites, and cultural artifacts in that archaeologically rich region, where civilization goes back thousands of years.

There is a risk of forgetting about cultural objects when faced with the disturbing and often horrific images of death and mutilation in the region, made all the more vivid through videos and social media postings timed by ISIS for greatest effect. But while human life is paramount, cultural heritage is important too, and it is seriously threatened.

In August 2015, IFAR organized a program to learn the truth about the monuments that have been damaged; the art that is being targeted; the extent of the looting and who is doing it; and whether the looted objects are being trafficked and, if so, are supporting the terrorists. The *IFAR Evening* was held at at the lovely Scandinavia House in Manhattan at the height of summer. Nonetheless, a full house came to hear our four distinguished specialists address these questions, each from a slightly different perspective.

But, events change quickly. Within weeks of the IFAR program, even more cultural heritage atrocities occurred. First came the announcement in August of the beheading of Khaled al-Asaad, the retired director of antiquities for the ancient Greco-Roman city of Palmyra, after he refused to reveal to militants where some treasures had been hidden. Soon after that, the Temple of Baalshamin and other ruins in Palmyra, occupied by ISIS since May, was destroyed. The temple, although small, was one of the best preserved buildings in the city, and dated to the 1st century AD. The horrors go on. As IFAR goes to press, however, comes news that Palmyra is no longer under ISIS control.

On the following pages are the edited proceedings of the four talks.

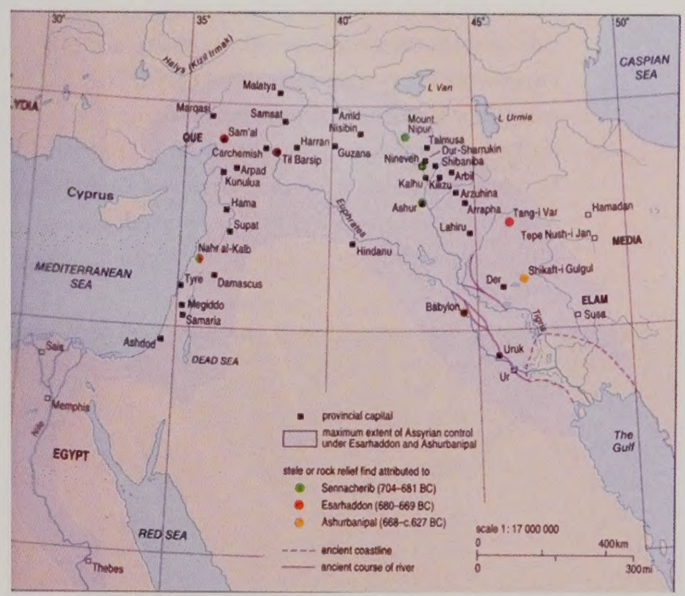
THE MONUMENTS AND ANTIQUITIES OF IRAQ AND SYRIA — AN OVERVIEW

RICHARD L. ZETTLER*

> "Assyrian kings ruling from several capital cities in and around modern day Mosul ruled much of the Middle East in 7th–9th centuries BC. … At [its] height, … the Assyrian empire stretched from the western part of Iran to Egypt and from the Mediterranean to the Persian Gulf."

I have been asked to provide some background on the antiquities that have been destroyed or looted from museums and archaeological sites in northern Iraq and Syria since the conflict in Syria began in 2011, or in the case of northern Iraq, since the Islamic State seized control of the northern Iraqi city of Mosul. In fact, I was sitting with colleagues in nearby Iraqi Kurdistan on June 10, 2014 when the Islamic State took control of Mosul.

As Amr-Al-Azm and Michael Danti are much more knowledgeable about Syria than I am, I will focus largely on northern Iraq, where the Islamic State has conducted very widely publicized performative destructions of sculptures from Assyrian capital cities and from Hatra, a Parthian religious and trading center in the 1st and 2nd centuries BC. However, I will return to Syria briefly at the end of my discussion.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Memphis
Thebes
Babylon
Uruk
Ur
Susa
Hamadan
provincial capital
maximum extent of Assyrian control under Esarhaddon and Ashurbanipal
stele or rock relief find attributed to
Sennacherib (704–681 BC)
Esarhaddon (680–669 BC)
Ashurbanipal (668–c.627 BC)
ancient coastline
ancient course of river
scale 1: 17 000 000
400km
300mi

FIGURE 1. Map showing the area controlled at the height of the Assyrian Empire in the 7th century. Illustration: Michael Roaf, *Cultural Atlas of Mesopotamia and the Near East,* 1990.

Assyrian kings ruling from several capital cities in and around modern day Mosul ruled much of the Middle East in the 7th-9th centuries BC. The map in **FIGURE 1** shows the area controlled at the height of the Assyrian empire under Esarhaddon and Ashurbanipal in the 7th century BC, when the Assyrian empire stretched from the western part of Iran to Egypt and from the Mediterranean to the Persian Gulf. In their capitals, Assyrian kings built on a massive scale, erecting colossal winged human-headed bulls, protective deities, known as *lamassu* in Akkadian, at the city gates and doorways to palaces and temples, and lining the walls of their sprawling palaces with relief-carved slabs. Some of the slabs were more than two and a half meters high and depicted apotropaic-winged deities, as well as royal rituals and royal audiences, military campaigns, and hunts that are very important for the historical record of the Assyrian empire and its interactions with surrounding early Iron Age kingdoms.

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* Richard L. Zettler, Ph.D., is Associate Curator-in-Charge, Near East Section, Penn Museum, University of Pennsylvania, where he is also a Kolb Senior Fellow.

British and French archaeologists such as Paul-Émil Botta and Austen Henry Layard uncovered the remains of Assyrian cities and royal palaces at the dawn of archaeological work in the Middle East in the mid-19th century, and exported large numbers of these colossi and sculpture to London and Paris, where they were met with a very mixed public reception, but where they are currently on display in the British Museum and the Louvre. The British Museum has reliefs from the Northwest Palace of Assurnasirpal II (883-859 BC) at Nimrud, ancient Kalhu, approximately 35 kilometers south of Mosul **(FIG. 2)**.

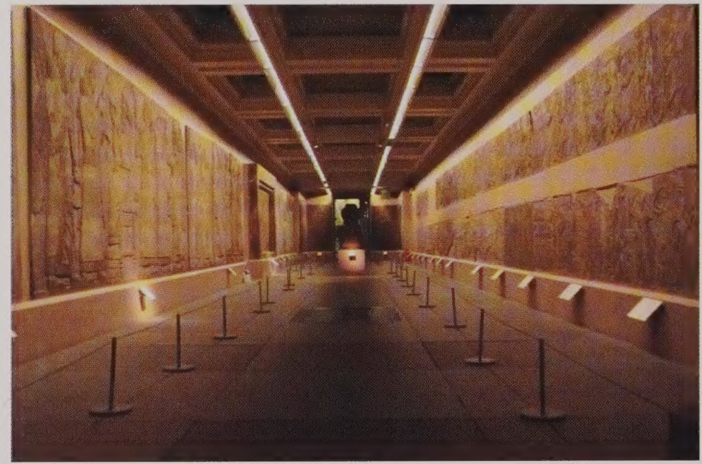

FIGURE 2. British Museum gallery with reliefs from the Northwest Palace of Assurnasirpal II at Nimrud. Ph: Wikipedia (Mujtaba Chohan, British Museum Visit).

It was not only the British and French archaeologists who were exporting reliefs. American Protestant missionaries – proselytizing Christians – in northern Iraq in the mid-to-late 19th century often acquired reliefs, sometimes with and sometimes without the permission of authorities, and sent them back to various institutions in the United States. Some of those reliefs were on loan to Penn Museum just prior to the Great Depression **(FIG. 3)**. John D. Rockefeller eventually acquired them and donated them not to Penn, but to the Metropolitan Museum of Art, where you can see them on the second floor galleries today. There are also lots of reliefs in the Brooklyn Museum and at many of the small colleges around the Northeast – at Amherst, for example, at Dartmouth, at Bowdoin, and at Williams.

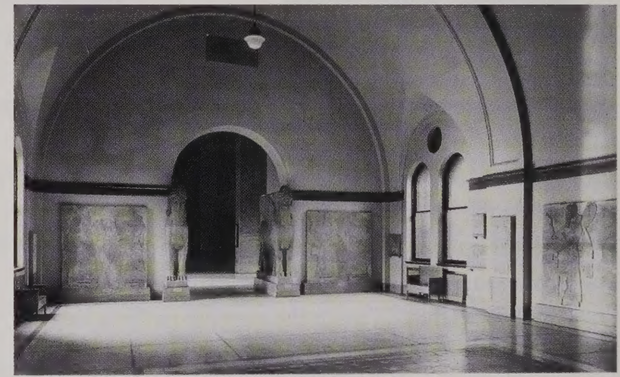

FIGURE 3. Ancient Iraqi reliefs in the University of Pennsylvania Museum. Ph: Courtesy Richard L. Zettler, University of Pennsylvania Museum of Archaeology and Anthropology.

But very large numbers of the colossi and the relief-carved sculptures remained in the ground. And Iraq's Directorate General of Antiquities restored parts of Assurnasirpal II's Northwest Palace at Nimrud in 1956 when the British archaeologist M.E.L. Max Mallowan, who was married to Agatha Christie, was working at the site, as well as in the late 1960s and early 1970s.

Contemporaneously, the Directorate General also restored several of the city gates of Nineveh on the east bank of the Tigris, within the bounds of modern day Mosul that Sennacherib made his capital in the 7th century BC. The Islamic State destroyed

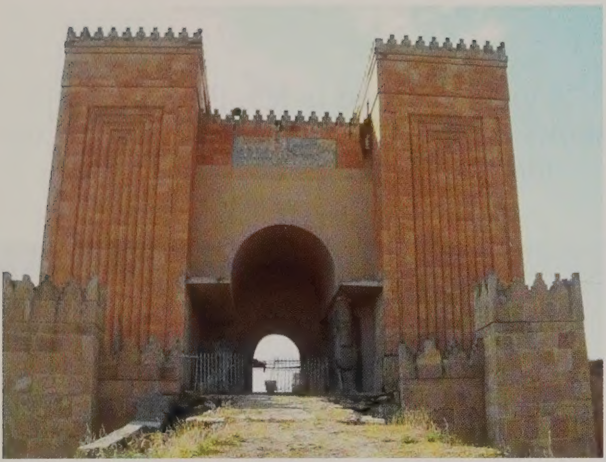

FIGURE 4. The Nergal Gate in Nineveh's northern walls flanked by an intact *lamassu* and fragmentary *lamassu*. Ph: islamexposedblog.blogspot.com/2015/02/.

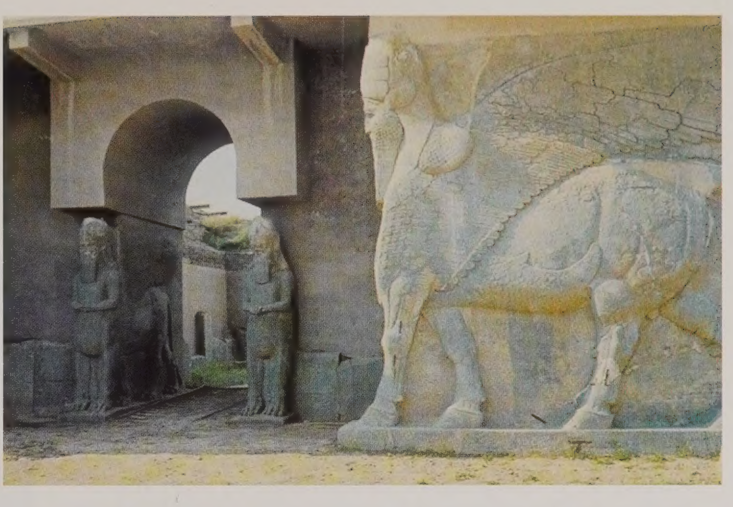

FIGURE 7. Facade of the Throne Room of Assurnasirpal II, Nimrud, in 2009. Ph: Mary Prophit, United States Army.

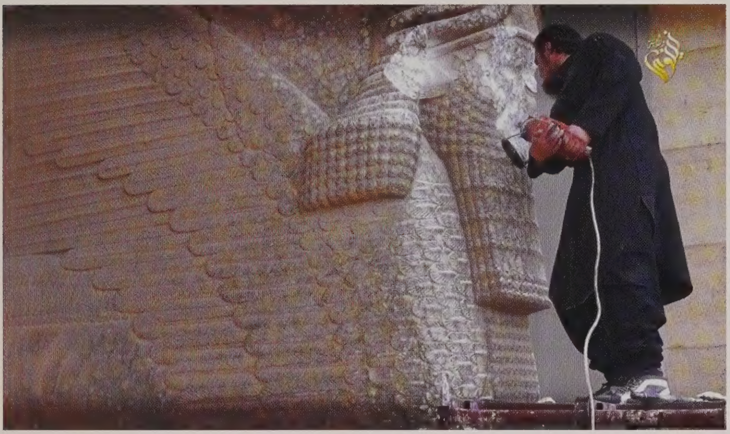

FIGURE 5. Islamic State fighter defacing a *lamassu* from ancient Nineveh. Ph: ISIS news feed.

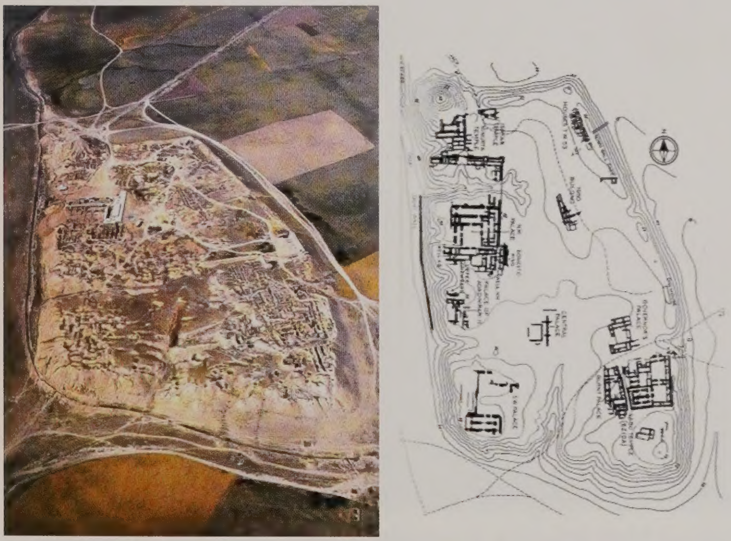

FIGURE 6. Aerial photograph of the Citadel at Nimrud in 1999 **(left);** schematic view of the Citadel **(right).** Ph: Muayyad Said Damerji, Gräber assyrischer Königinnen aus Nimrud, Mainz, 1999.

many of the sculptures incorporated into these restorations as idolatrous in early 2015, as well as some of the sculptures that were on exhibit in the Mosul Museum. A video released in late February 2015 shows Islamic State fighters destroying the *lamassu* flanking the Nergal Gate, one of the two gates in Nineveh's northern walls.

The restored gate, flanked by one of the intact *lamassu* and a fragmentary *lamassu*, can be seen in a photo taken afterwards **(FIG. 4).** Another image **(FIG. 5)** shows an Islamic State fighter defacing a *lamassu* with a jackhammer.

In mid-April 2015, the Islamic State released another video confirming what archaeologists had feared; namely, the destruction of Ashurbanipal's Palace at Nimrud, ancient Kalhu. An aerial photograph of the Citadel at Nimrud shows the Northwest Palace immediately south of the ziggurat **(FIG. 6).**

The restored facade of the Throne Room of Assurnasirpal II, shown in 2009 in **FIGURE 7,** with one of the doorways leading into the Throne

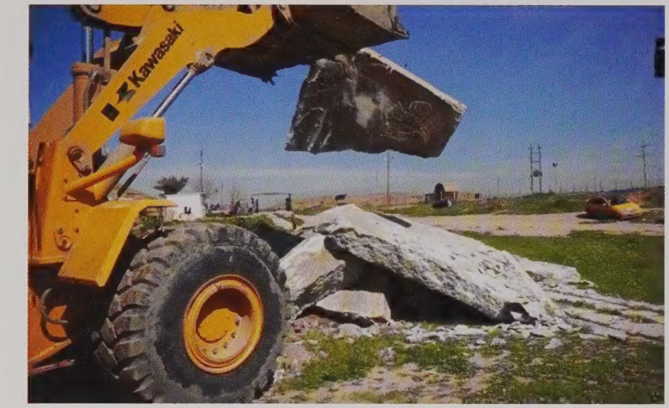

FIGURE 8. An ISIS-operated earthmover dumping reliefs from the facade of the Throne Room of Assurnasirpal's Northwest Palace. Ph: ISIS news feed.

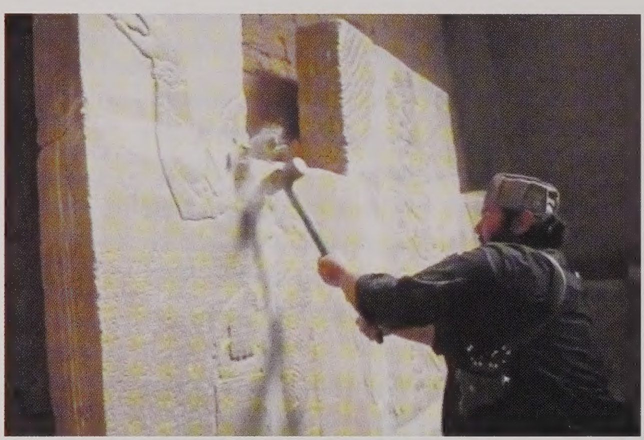

FIGURE 9. Islamic State fighter defacing an Assyrian marble relief in the Northwest Palace at Nimrud. Ph: ISIS news feed.

"A video released in late February 2015 shows Islamic State fighters destroying the *lamassu* flanking the Nergal Gate."

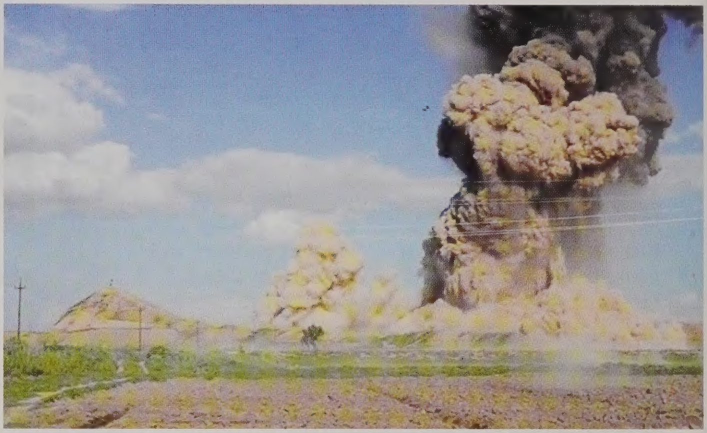

FIGURE 11. Assurnasirpal's Northwest Palace being destroyed. Ph: ISIS news feed.

Room flanked by small *lamassu* and a colossal *lamassu* on the right, was very different in 2015. We were confronted with an ISIS-operated earthmover taking many of the reliefs that had been on the facade of that Throne Room and dumping them to the side **(FIG. 8)**. The slab being dropped is D8 from the facade of the Throne Room, which shows a procession of people moving toward an audience with the king.

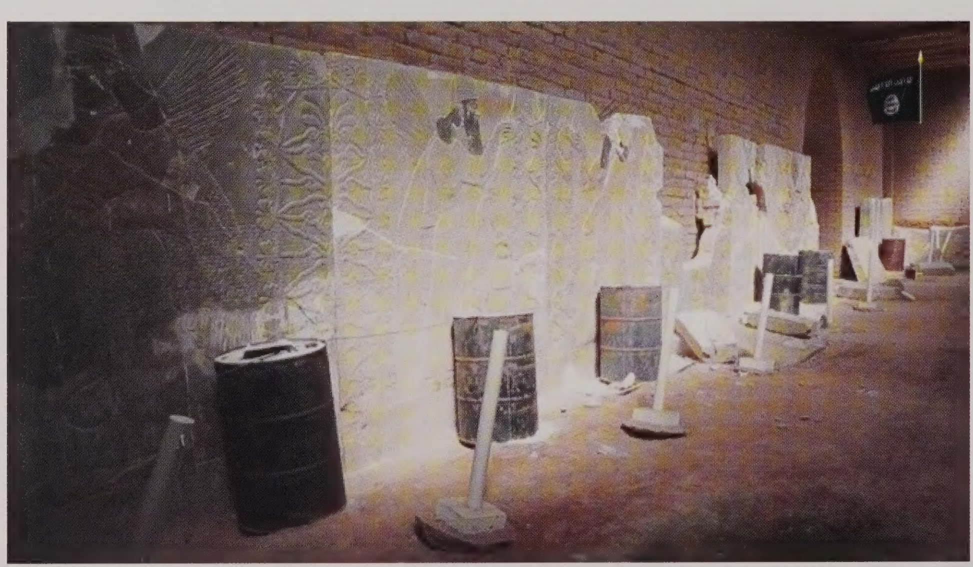

FIGURE 10. Barrel bombs packed alongside the reliefs in the Northwest Palace (still image from a video released by ISIL on April 11, 2015). Ph: ISIS news feed.

In antiquity, Assyrian reliefs were painted with the hair black, the skin often red and various other colors as well. We know what happened to the reliefs in this palace. The Islamic State first attacked them with hammers, with saws, and with jackhammers **(FIG. 9)**. And then decided it was much easier to implode the palace than to continue this laborious work, so they packed barrel bombs alongside the reliefs **(FIG. 10)** and blew it up **(FIG. 11)**. And this is the result: just complete destruction insofar as we can tell **(FIG. 12).**

HATRA

Let me turn to the site of Hatra, located in the Iraqi western desert, or Jazira, approximately 110 kilometers southwest of modern day Mosul. It was initially settled in the 1st and 2nd centuries BC, but later flourished as an early Arab religious and trading center under the Parthians in the 1st and 2nd centuries. The Sasanian kings Ardashir and Shapur took Hatra into the mid 1st century, and continued at the site until it eventually disappeared in the 4th century. This city in the desert is laid out on a circular plan about 2 kilometers in diameter with a double outer wall, but at its center is a rectangular enclosure measuring about 450 by 325 meters **(FIG. 13).** The enclosure includes the Temple of the Sun God, Shamash – Hatra is known as the City of the Sun God, Shamash, and if you have ever been there as the sun comes up in the morning, you will know why. Hatra's architecture and its art, which shows a mixture of Hellenistic, Parthian and Roman traits, is very unique; there is almost no art from Hatra outside of Iraq.

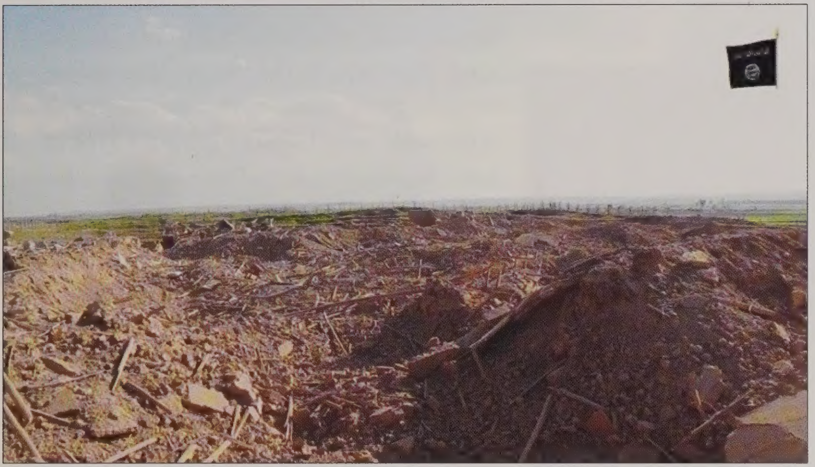

FIGURE 12. What was left of Assurnasirpal's Northwest Palace in 2015. Ph: ISIS news feed.

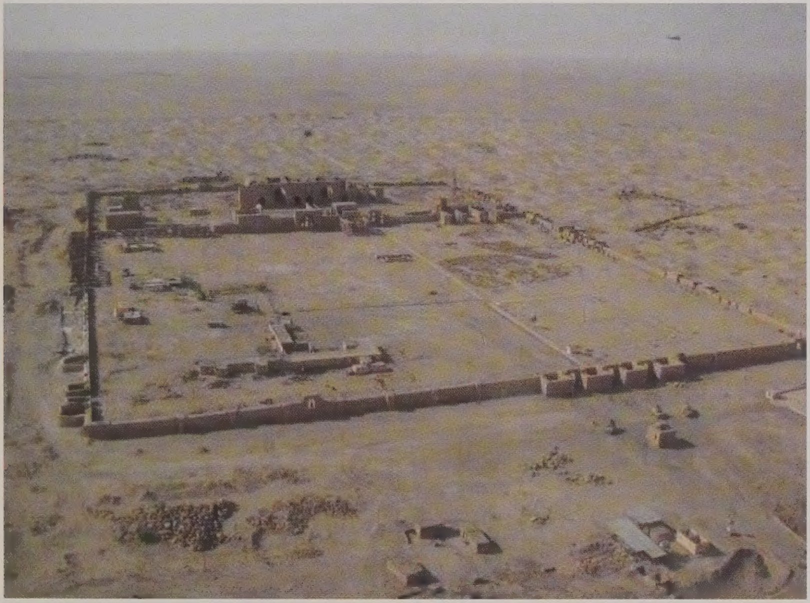

FIGURE 13. Rectangular enclosure at the center of Hatra, a World Heritage Site in Iraq. Ph: MG Caslen, United States Army.

German archaeologists working at the nearby Assyrian capital of Assur initially mapped the site in the early 20th century, and Iraq's Directorate General of Antiquities and Heritage began a long-term program of excavation and restoration work there in the 1950s that continued into the 1990s. Hatra today is a World Heritage Site.

Many of the important sculptures from Hatra were in the Mosul Museum. The Islamic State video released in late February 2015 shows the destruction of sculpture that was in the museum, with far more emphasis on the destruction of Hatra's sculpture than

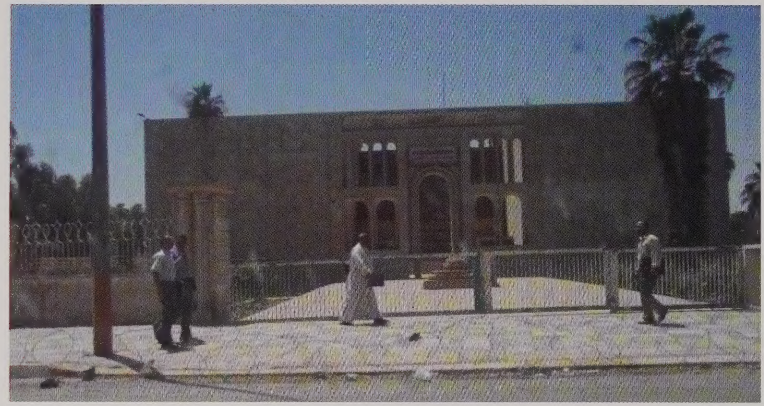

FIGURE 14. The Mosul Museum. Ph: Diane Siebrandt, U.S. State Dept.

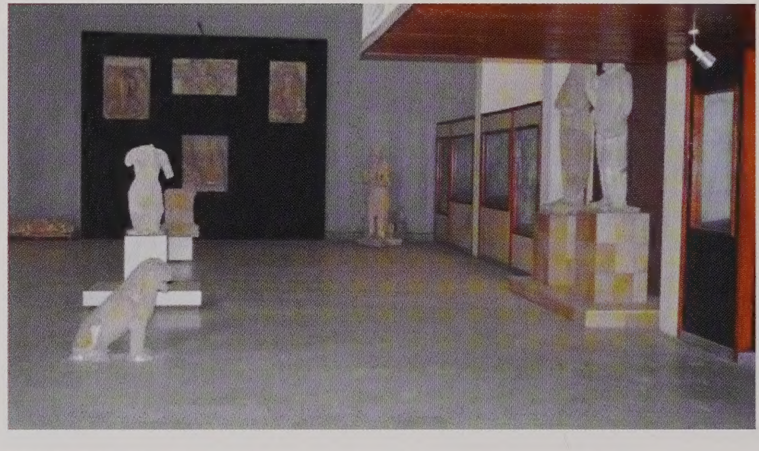

FIGURE 15. The Hatra gallery in the Mosul Museum prior to 2015. Ph: Diane Siebrandt, U.S. State Dept.

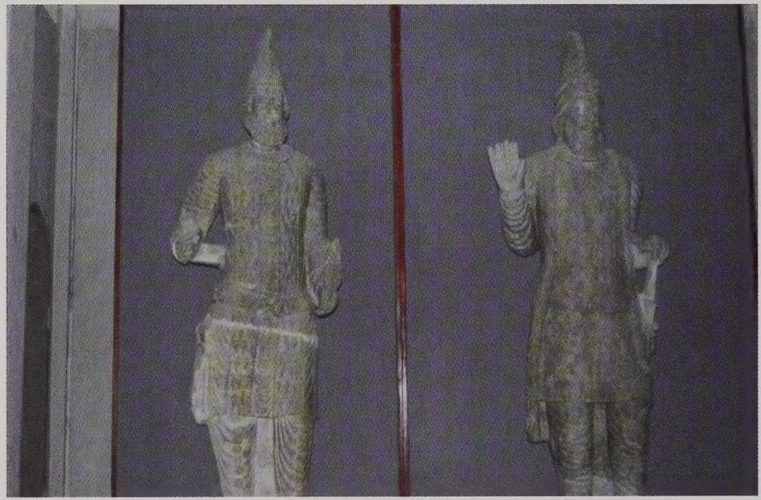

FIGURE 16. Sculptures of two kings in the Hatra gallery prior to 2015. King Uthal, probably not Hatran, is on the right. Ph: Diane Siebrandt, U.S. State Dept.

the Assyrian sculpture that was also in the museum. Some initial reports downplayed the destruction, claiming that the sculptures there were casts, but in point of fact, they were almost all real. Only one or two pieces were probably casts.

The Mosul Museum (**FIG. 14**), which was originally a palace of the Iraqi King Faisal, has not been functional since it was looted in 2003. Prior to Islamic State atrocities in 2015, the museum's Hatra galleries (**FIG. 15**) included, among many other objects, sculptures of two kings (**FIG. 16**). On the left is a Hatran king; on the right is a king by the name Uthal, who is probably not a Hatran king but a king of some nearby kingdom. These have very good archaeological contexts: both were found in the antechamber or cella of the Temple of Baalshamin at Hatra. Uthal's head and body are in this photo from the 1951 excavations of Fuad Safar and Mohammad Ali Mustafa at the site of Hatra (**FIG. 17**). Unfortunately, the Islamic State brought Uthal's time in Mosul Museum to an end (**FIG. 18**). The Islamic State also ravaged a sculpture of a high priest holding an elaborate standard of an eagle, the emblem of the Sun God Shamash (**FIGS. 19** and **20**).

The Islamic State video shows what *is* destroyed, but we know there were many other pieces in the Hatra galleries that the Islamic State video does not show being destroyed. One of the most important is a painted relief of an underworld deity, measuring roughly a meter by a meter, that was found embedded in a wall in a building at Hatra (**FIG. 21**). We know this piece was in the Hatra galleries when ISIS took control, but it does not appear anywhere in the ISIS video. ISIS probably looted the Mosul Museum shortly after they took control and moved out everything that could be carted away. This was confirmed by a trove of antiquities found with Abu Sayyaf, a high ranking Islamic State operative killed in eastern Syria not long ago, who actually had at

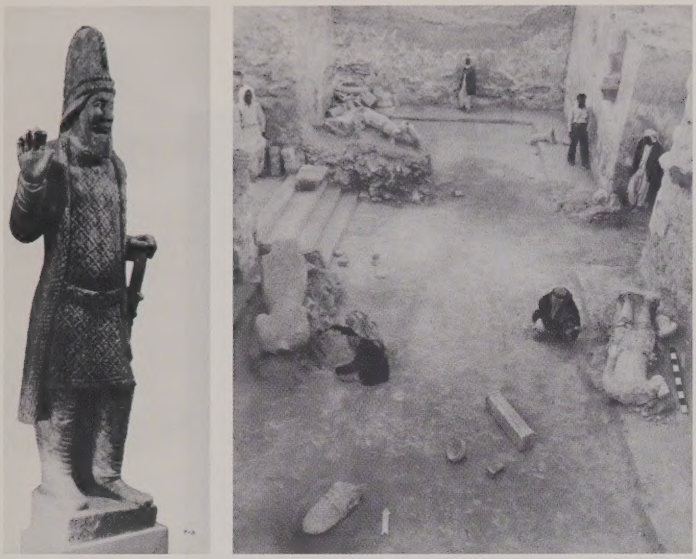

FIGURE 17. Uthal intact **(left)** and in pieces at the 1951 excavations at Hatra **(right).** Ph: Fuad Safar and Mohammad Ali Mustafa, *Hatra: The City of the Sun God,* 1974.

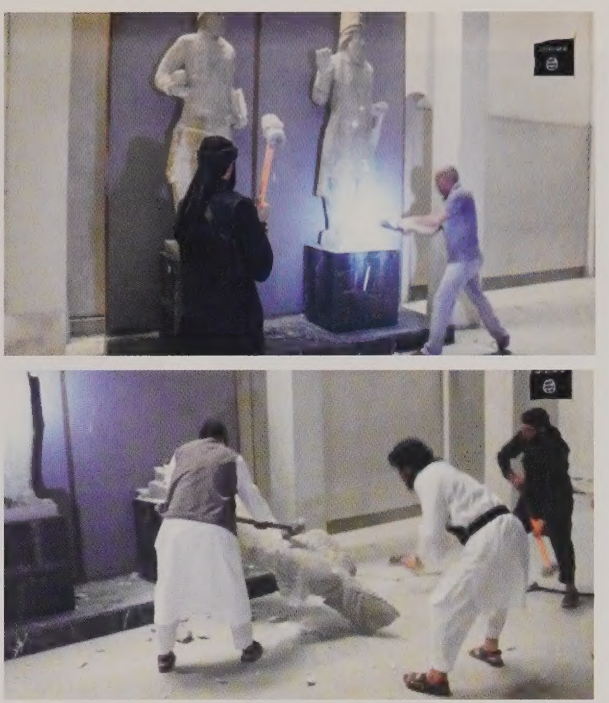

FIGURE 18. Islamic State fighters destroying the statue of Uthal. Ph: Stills taken from Islamic State video released in April 2015.

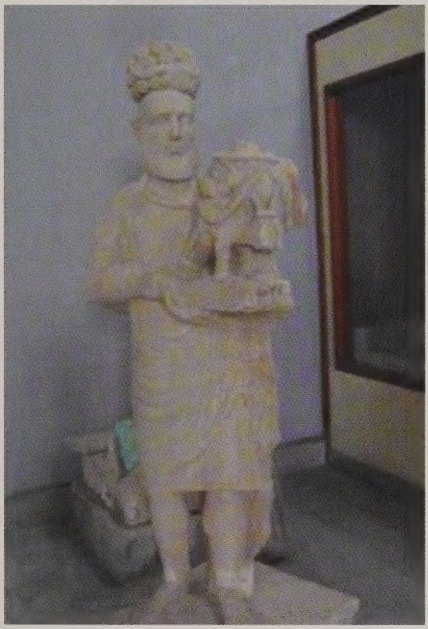

FIGURE 19. Sculpture of a high priest, holding a standard of an eagle, as exhibited in the Hatra gallery prior to 2015. Ph: Mary Prophit, United States Army.

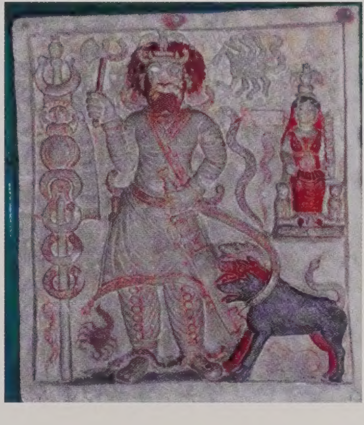

FIGURE 21. Painted relief of an underworld deity formerly in the Hatra gallery. Looted by ISIS but possibly not destroyed. Ph: Diane Siebrandt, courtesy U.S. State Dept.

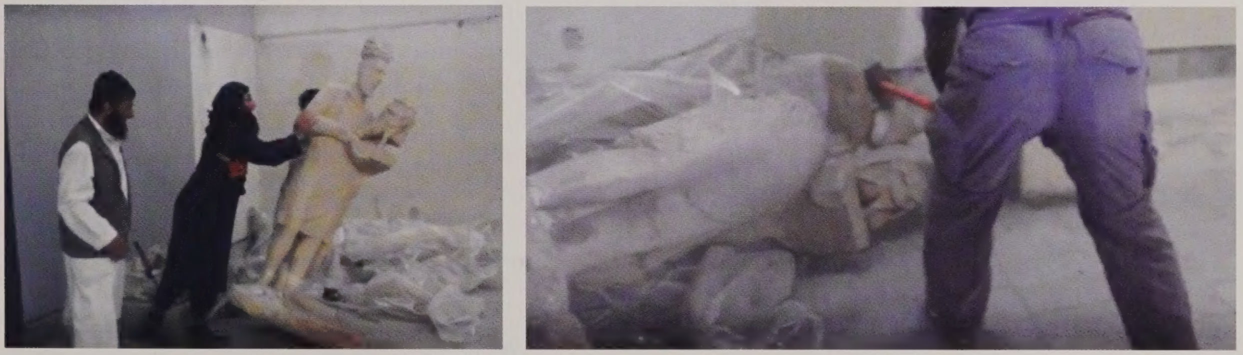

FIGURE 20. Islamic State fighters destroying the sculpture of the high priest. Ph: ISIS news feed.

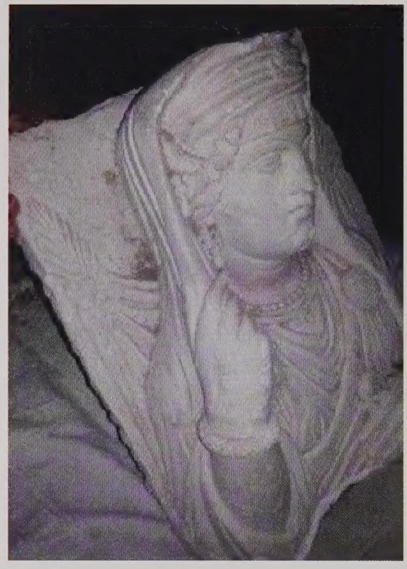

FIGURE 22. Palmyrene bust of a woman looted from Syria.

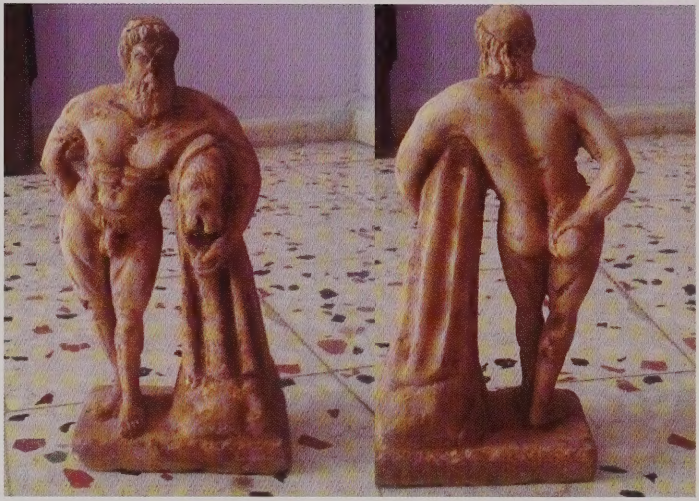

FIGURE 23. Palmyrene *Resting Heracles* looted from Syria.

least one or more artifacts with the Mosul Museum registration number on them, including ivories from the site of Nimrud, in his possession. This very important relief is among those whose fate I would like to know more about. ISIS may well have destroyed it, or they may well have carted it off for a later sale. I hope that it may have been taken to the Iraq Museum in Baghdad, but insofar as we can determine, it wasn't.

Briefly, in conclusion, I haven't seen too many of the antiquities from Syria that have been crossing borders. And where I have seen them, they have tended to be Palmyrene reliefs, such as this bust of a woman **(FIG. 22)**, or this *Resting Heracles* **(FIG. 23)**. We know that the sites like Apamea near Hama in Syria have been looted. We know that Dura-Europos, down the river, has been heavily looted. These are all important Classical Period sites.

We also know that various groups, not just the Islamic State, have looted museums, importantly, for example, the Raqqa Museum, the headquarters of the Islamic State. The site of Mari, down river from Raqqa, is a Bronze Age Mesopotamian site of great importance and relevance. Aerial photographs show some pitting at the site. Although I have seen many small finds of Mari figurines and cylinder seals, I have seen only one antiquity, a head **(FIG. 24)** with very distinctive receptacles in the beard for inlays, that is clearly from Mari or nearby. My colleagues Amr Al-Azm and Michael Danti will now take this discussion of Syrian sites further.

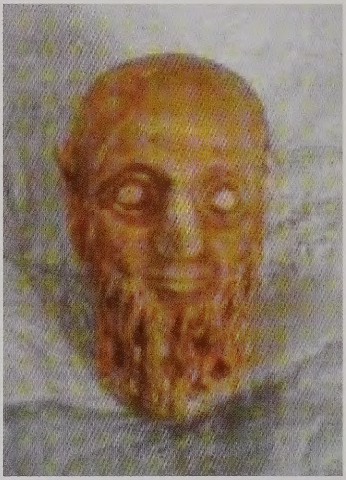

FIGURE 24. Looted head from Mari.

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MEANS AND METHODS OF DESTRUCTION

AMR AL-AZM*

> "Once the nature of the conflict in Syria changed from that of civilian protests against the Regime, the Regime responded with ever increasing violence [and] we started to see a really disturbing phenomenon emerge; now, not only are the people, the infrastructure, the cities, the towns, the homes, the businesses being destroyed, but also the cultural heritage."

I can only pile on the woe. Then Michael Danti will rub salt into the wounds. I don't need to introduce you to what is happening in Syria, or in Iraq, or in the region as a whole. You are very aware that Syria has been going through what is now described as a civil war, which has not only torn the country apart but has actually ruptured the very fabric of society. Everything that once essentially identified Syria in terms of its culture, its people, its buildings, its houses, its industry, has been damaged. I don't even know if there will be a Syria in the future – geographically, politically, and even culturally **(FIG. 1)**. Bear in mind that the events in Syria started as an uprising of local civilians in March of 2011, part of an ongoing wave of unrest sweeping the Middle East, which we referred to as the

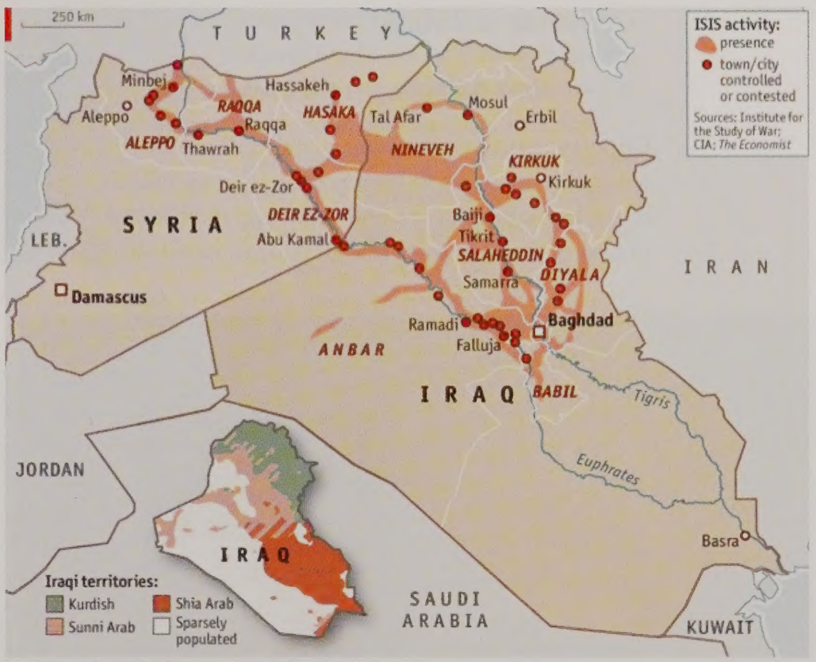
250 km
TURKEY
Minbej
Aleppo
RAQQA
Raqqa
Hassakeh
HASAKA
Tal Afar
Mosul
Erbil
ALEPPO
Thawrah
NINEVEH
KIRKUK
Kirkuk
Deir ez-Zor
SYRIA
DEIR EZ-ZOR
Baiji
LEB.
Abu Kamal
Tikrit
SALAHEDDIN
DIYALA
IRAN
Samarra
Damascus
Ramadi
Baghdad
Falluja
ANBAR
IRAQ
BABIL
Tigris
Euphrates
JORDAN
Basra
IRAQ
Iraqi territories:
Kurdish
Shia Arab
Sunni Arab
Sparsely populated
SAUDI ARABIA
KUWAIT
ISIS activity:
presence
town/city controlled or contested
Sources: Institute for the Study of War; CIA; The Economist

FIGURE 1. A map of Syria and Iraq showing ISIS presence. Ph: Economist.com.

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* Amr Al-Azm, Ph.D., is Associate Professor, Middle East History and Anthropology, Shawnee State University and Chair, Syrian Heritage Task Force (SHTF) for cultural heritage protection.

Arab Spring. In those early weeks and months, most of the focus was on the protestors and their confrontations with the security forces.

But as these confrontations became increasingly deadly, a major shift also occurred on the ground vis-à-vis cultural heritage. In fact, once the nature of the conflict in Syria changed from that of civilian protests against the Regime, the Regime responded with ever increasing violence, cracking down on the protestors. Eventually, it changed into a confrontation between Regime and Opposition. Once that happened, we started to see a really disturbing phenomenon emerge; now, not only are the people, the infrastructure, the cities, the towns, the homes, the businesses being destroyed, but also the cultural heritage. Syria's history, too, was becoming a casualty of the conflict.

We can classify the damage into three major categories:

- Opportunistic
- Military operations
- Deliberate destruction

OPPORTUNISTIC DAMAGE

Opportunistic, or what some people call subsistence, looting refers to local people, who, as a result of the breakdown of law and order and the withdrawal of the state from the rural areas, have lost their means of earning an income and are left with no other source of providing for themselves other than looting sites. I've had people tell me that without objects to sell, they don't have anything to eat. That is how bad it can be.

Every Syrian either lives on top of an archaeological site, right next to an archaeological site, or within a stone's throw of an archaeological site. So sites are part of everyday life. Every Syrian knows or has heard of someone, or has a friend who knows a friend who, while digging in the field or clearing out a basement, came across a pot of gold.

So, in the collective memory, there is an ongoing myth that there must be treasure buried somewhere. It is natural for people in a position of hardship to try to find alternative means, and that is why some looting begins. But that is not the only type of looting. There is also more organized looting by criminal elements in society, many of which are well established over a long period of time.

MILITARY OPERATIONS

Military operations are another cause of archaeological damage. Syria is essentially a giant archaeological park. Monuments and sites quickly become part of the battlefield. Among the most notable examples is the old city of Aleppo, a UNESCO World Heritage Site, and also the old souks, some of which date back to the 12th century. The Aleppo souks were among the most important and continuously used medieval markets. They were all burned and destroyed.

The Krak des Chevaliers, a crusader castle also registered as a World Heritage Site **(FIG. 2)**, is another example of battlefield destruction. It was occupied by Opposition forces, whom the Regime wanted to dislodge, so it was indiscriminately bombed both from the air and the ground. More recently, in June 2015, a barrel bomb landed on the Ma'arra Museum, a small provincial museum that contains a large and important corpus of mosaics mostly coming from the area known as the Dead

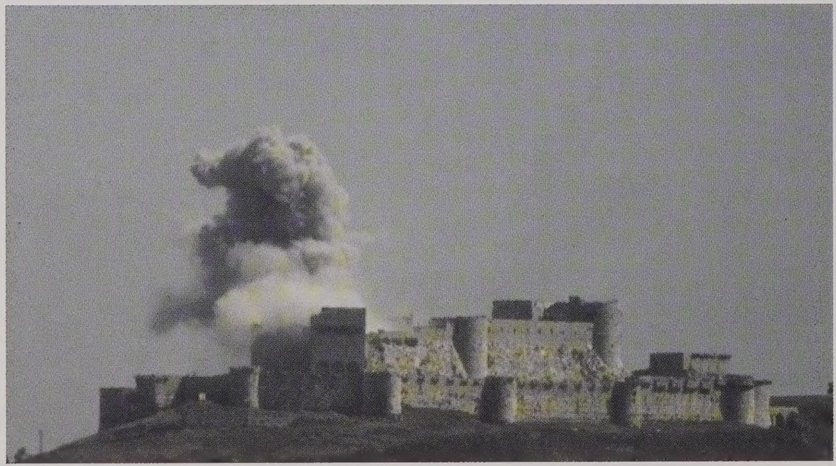


FIGURE 2. The Krak des Chevaliers crusader fortress shown after an airstrike in 2013.

Cities **(FIG. 3)**. These mosaics, too, have been designated a UNESCO World Heritage Site.

Barrel bombs are very high explosives that are dropped indiscriminately from helicopters by the Regime. They are the biggest single cause of death to civilians in Syria, far outweighing anything caused by ISIS or anybody else. One of the barrel bombs basically blew up the Ma'arra Museum, but, fortunately, within the display galleries all were saved because two and a half months before the bombing, we were able to secure funding to protect them with sandbagging **(FIG. 4)**. Only the less important mosaics that were in the courtyard were destroyed. We had planned to move them inside but had not gotten around to it before the barrel bomb fell. Even more recently, only three days before the IFAR program, the Khan, the building across the street from the museum, was hit by rocket fire and it, too, suffered extensive damage **(FIG. 5)**. So we have now seen two types of threats to Syria's cultural heritage – looting, for a variety of reasons, whether for criminal or subsistence purposes, and destruction resulting from military activity.

DELIBERATE DESTRUCTION

The third threat to cultural heritage is deliberate and punitive destruction, targeted to cause maximum harm. This is the latest and the prime threat from ISIS and other extremists, radical Islamic groups whom we also refer to as Al Dawla or DAESH, which in Arabic is the same acronym as ISIS.

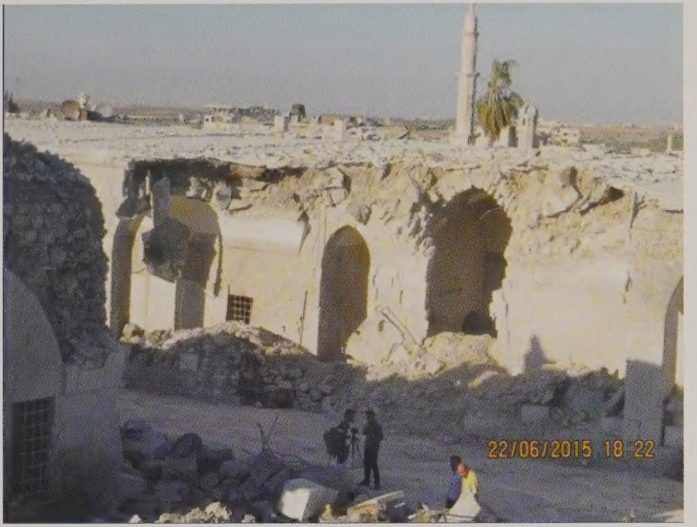


FIGURE 3. The Ma'arra Mosaic Museum in Syria, in June 2015, after the museum was barrel bombed Ph: TDA-HPI.

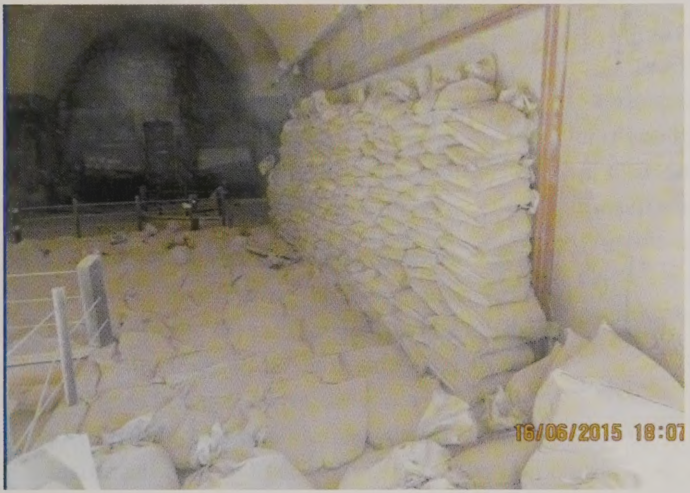


FIGURE 4. Sandbagging that protected the Ma'aara Museum's interior mosaics Ph: TDA-HPI.

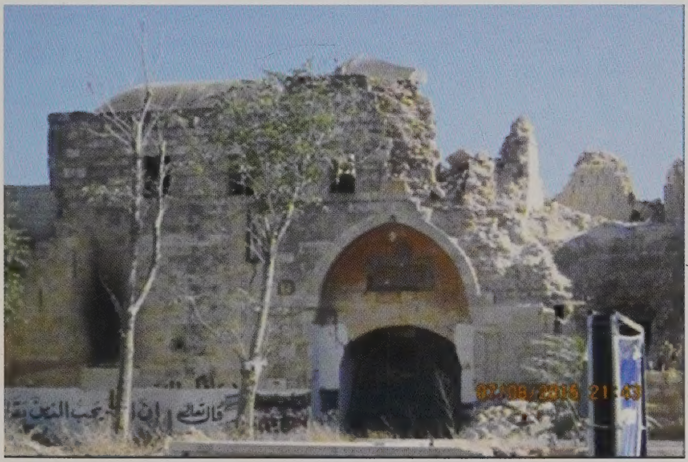


FIGURE 5. Khan As'aad Pacha Ma'arra damaged by rocket fire, August 2015 Ph: TDA-HPI.

The rise of DAESH was meteoric, and if you are into conspiracy theories, plenty abound. We are not going to be concerned with that. Rather, we are concerned with the significant extent of territory that they effectively control. Remember, Syria and large parts of Iraq are essentially one giant archaeological park, which means that a significant number of archaeological sites are currently under ISIS control. But we need to set the record straight; ISIS did not start the looting.

ISIS began to emerge in the summer of 2013 and expanded very rapidly in 2014. As they took over large swaths of territory, they came upon a pre-existing situation of looting. It is what ISIS did with this looting that is so sinister, aggressive and egregious. Essentially, ISIS institutionalized the process of looting, whereas previously it was ad hoc. It was being done by people who were able to do it just because it was there. In some cases, it was organized by gangs or groups who made their living through looting antiquities before the conflict began. For them, it was like waking up and finding yourself in a candy store where you can help yourself to everything, with no adult to say “no you can’t.”

> “But we need to set the record straight; ISIS did not start the looting. … It is what ISIS did with this looting that is so sinister, aggressive and egregious.”

ISIS LOOTING

Initially, ISIS began charging a 20% tax on the sale of all looted antiquities. They referenced the tax to an obscure hadith that essentially says 20 percent of the value of any treasure found beneath the ground has to be paid to the state treasury, which in this case would be DAESH, ISIS. They then began to issue licenses to individuals who would be involved in this looting. We call this Phase I.

PHASE I

Phase I essentially covers from fall/winter of 2013 to spring 2014. It is the period when ISIS also begins to establish itself and cement its grip on the regions and territories. You could say that while they were busy doing other things, they were happy to let people loot on their behalf, provided they paid the tax.

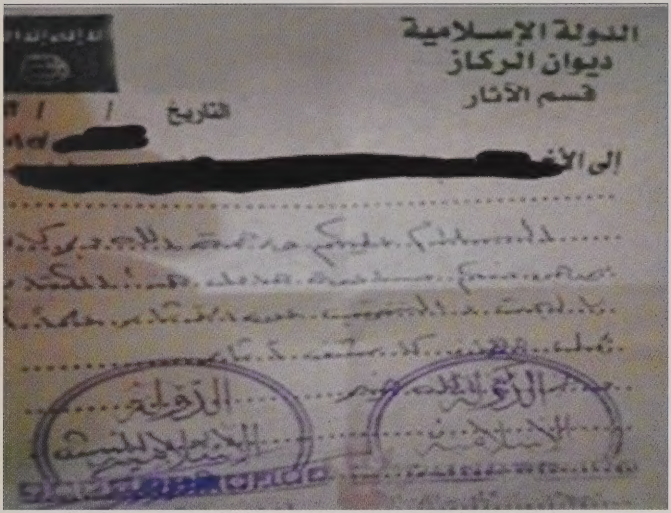
PHASE II

We start to see a gradual process of intensification in spring and summer of 2014. This is Phase II. Now ISIS is comfortable. It is in the driver’s seat and winning everywhere. Its fighters have a little bit of leisure time on their hands, and we start to see a very aggressive campaign of looting. They also bring in contractors. So now they are not only giving licenses to individuals, they are hiring contractors. Crews come down, for example, from the Kurdish north. You think about the great enmity between the Kurds and ISIS, but business is business. Isn’t that what they say in New York? Nothing personal, it’s business. Well that’s what it is in that region. It’s business. So they could be fighting in one place, but they are doing business elsewhere.

PHASE III

Finally, we come to Phase III in the fall/winter of 2014. It is the most aggressive period, when ISIS formally establishes an office in the city of Manbij. I call it the Manbij Archaeological Administration – MAA. They have their own experts. They hire Syrian archaeologists and other people with local knowledge. They set up computers in the office because now they’re taking this seriously. So, for example, to determine the value of an object, they go to the auction sites that advertise on the Internet. They compare pieces to see what sells. They know what is not selling. They know what the going rate is and charge accordingly. It becomes big business.

We know that looting is lucrative. We know it because ISIS would not have increased its stake in it had it not been lucrative. ISIS would have just continued to issue licenses and get its 20 percent. No, by the summer of 2014, they are bringing in their own crews and machinery. Machinery requires diesel. It costs money. If you’re willing to invest time and money and pay salaries for people to loot, that means you are making something back.



الدولة الإسلامية
ديوان الركاز
قسم الآثار

التاريخ / /

[redacted]

إلى الأخ [redacted]

FIGURE 6. An example of a looting license issued by ISIS Ph: TDA-HPI.

FIGURE 6 is an example of a looting license issued by ISIS on the condition that the looting brings no harm to Muslims. That is the only concern. Loot away. As a result of this, we start to see large looting pits. **FIGURE 7** shows pits near Raqqa, Syria, which clearly indicate the use of bulldozers, one of the hallmarks of ISIS looting. They bring in bulldozers and start to chew up the land, to move as much soil as possible. One can see the bulldozer tracks in the very deep pits.

> "By the end of 2014, ISIS is involved in every stage of the looting process …"

ISIS also begins to organize the actual sale and transfer process. They create what they refer to as "approved" lists of buyers and dealers, who would in some cases be escorted from Turkey to view the goods, then buy and seal the deal. The material is transferred out by an agreed-upon route.

By the end of 2014, ISIS is involved in every stage of the looting process, from the initial extraction from the ground to the final sale and exit from ISIS control and territory. In most cases, nothing leaves their territory before they get their money. By the time it is outside their territory, more than likely ISIS has already collected.

So we know that ISIS loots antiquities and sells them and profits from them. Is it their major source of income? No. There are much bigger sources of income – selling oil, collecting tithe taxation, extortion, robbing banks when they take cities. But, as the Coalition air strikes have started to cut into their profits, especially from the end of 2014 onwards, and as they have started to suffer setbacks, antiquities looting has become more important, although, in my opinion, it is still not the primary or even secondary source of income.

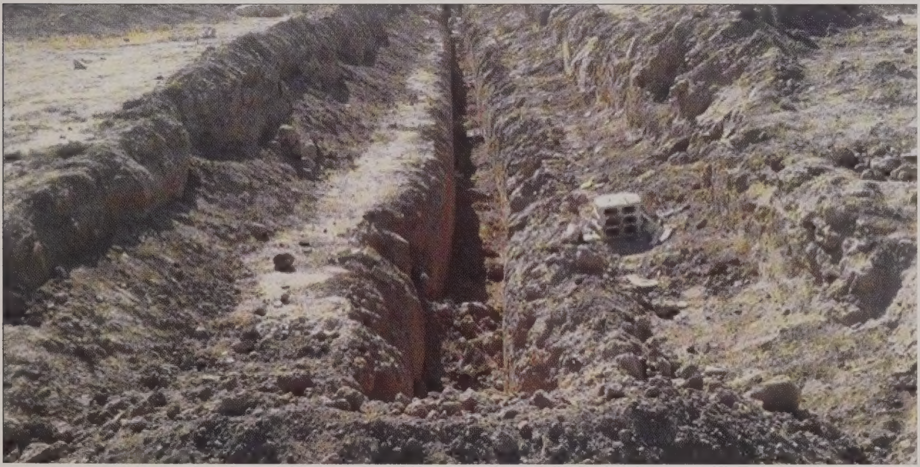


FIGURE 7. Looting pits near Raqqa, Syria, showing bulldozer tracks Ph: TDA-HPI.

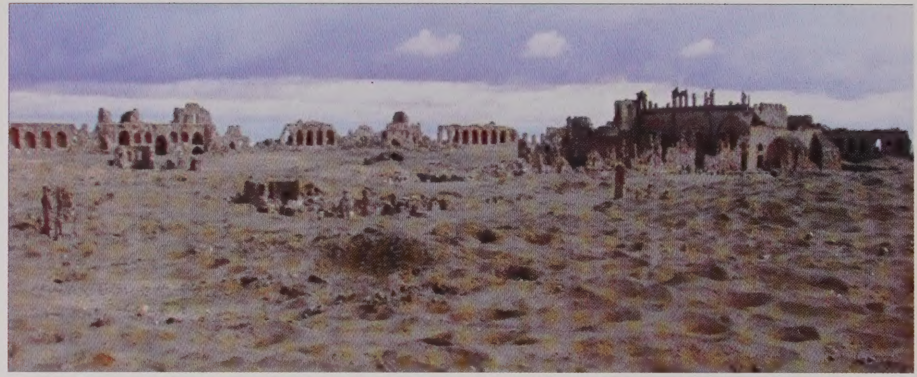


FIGURE 8. The Resafa site, an archaeological safe haven for ISIS.

ARCHAEOLOGICAL SAFE HAVENS

Another use of archaeological sites for ISIS is protection. They know that big sites like Palmyra, like Resafa **(FIG. 8)** and Ja'abar **(FIG. 9)** — all well known sites – are useful for protection. If they use these sites as military bases, they are safe from Coalition air strikes. They are not worried about the Regime forces. They know they can spank them any day. What they are worried about is Coalition air strikes, and the optics would look awful if U.S. jets started to attack ancient sites like these.

In fact, in a recent conversation soon after Palmyra fell, one of my contacts asked an ISIS commander "What are your plans for Palmyra?" The way it was asked was, are we going to do some looting down there? Can we get some licenses going? He was just trying to get information. The commander said "No, no, no. We're not going to do anything bad there. We need that. It's a great place to hide."

Nobody is going to bomb ISIS out of Palmyra. Even the Regime would find it hard to do. ISIS knows that. It is very smart. So, the second use for cultural heritage for a group like ISIS is as a safe haven. The third and most sinister use is the one that gets the most publicity, the one that most of us are horrified by, the atrocities.

CULTURAL HERITAGE ATROCITIES

2015 heralds a more sinister manifestation of ISIS' control and exploitation of cultural heritage. They are not only selling it; they are not only using it as a place to hide, but now they are using it to commit atrocities. Atrocities are not just when ISIS takes a pilot and sets him on fire while he's alive or grabs five or six people, puts them in a cage, and drops the cage in water and drowns them all on video. Destroying cultural heritage, whether it's blowing up or smashing objects **(FIGS. 10** and **11)**, these are also atrocities.

We need to understand why ISIS commits atrocities in the first place. It is very straightforward. It is a mechanism of projecting power. It is a propaganda tool. For starters, most of these atrocities happen and are filmed before they are actually released. We know from our sources that the actual Mosul Museum destruction happened in December, yet the release was in February, and it was timed with the date of the destruction of the Bamiyan Buddhas. Do not underestimate ISIS. They are smart, they are savvy, and they know their history.

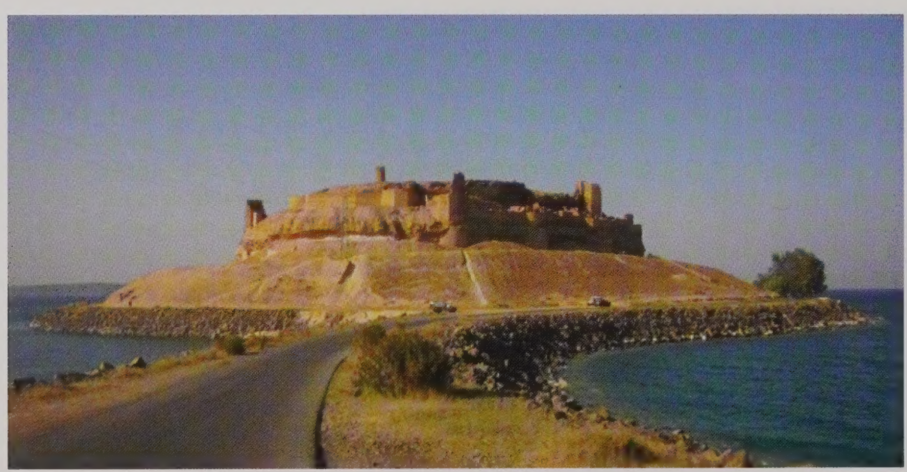


FIGURE 9. Ja'abar Castle, another ISIS safe haven.

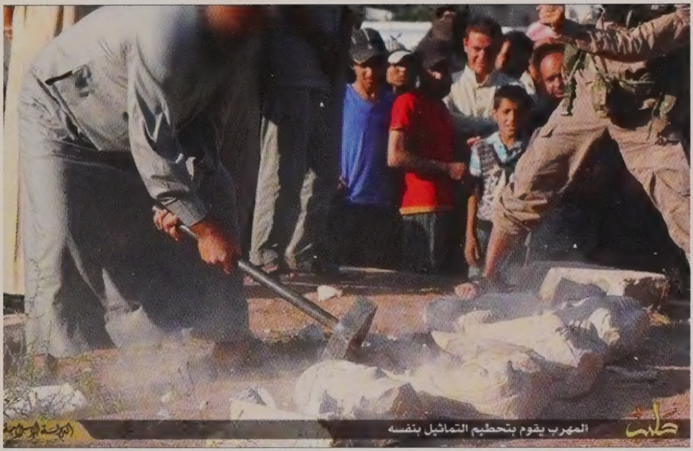

المهرب يقوم بتحطيم التماثيل بنفسه

FIGURE 10. ISIS destroying statues from Palmyra.

ISIS will often use atrocities to deflect attention away from their own setbacks. So, whenever they suffer a major setback, expect some sort of atrocity. They go hand in hand, and we can see the pattern. Why do they commit these atrocities? Very simple. It allows ISIS, first and foremost, to demonstrate its ability to act with impunity. Their ability to act with impunity is central because that's what keeps ISIS in power. It keeps people afraid of ISIS, and it resonates with its very narrow base of supporters. Secondly, it highlights the impotence of the international community to prevent the atrocities. The combination of impunity and impotence is a very powerful one, and it works really well for ISIS and has done so time and time again. We have no answer to it. So in effect ISIS will destroy what it cannot sell or does not need to sell.

> "So we know that ISIS loots antiquities and sells them and profits from them. Is it their major source of income? No. There are much bigger sources of income ..."

You can sell gold coins, and ISIS loves Islamic gold coins. They are easy to get rid of. *Lamassu* can't sell. You can't sell a building. You can't sell a shrine. Commit an atrocity with it. Blow it up. You are still getting something for it. ISIS is very smart. They'll get something from the antiquities and cultural heritage one way or another.

POSITIVE NOTES

So what can we do? There *are* some things that we can and are doing. I will end by mentioning some. Michael Danti will tell you more. One of the things that we have been able to do ever since we noticed this sharp increase in attacks and damage to cultural heritage both in Syria and in Iraq, although I'm not really involved in the Iraqi side, is use and work with local archaeologists, activists, and museum staff. They are our backbone, and in many ways they are the heroes of our story. It is not me over *here*. Those museum staff who go out and risk their lives trying to document the violations, trying to make notes, *they* are the heroes. If you think it's dangerous when there is a barrel bomb falling on your museum, just think how much more dangerous it is when you are trying to work under the nose of ISIS.

Teams of four are spread throughout the area under ISIS control getting us information every day and smuggling it out to us – images, photos, notes, data. A lot of this activity is managed through local

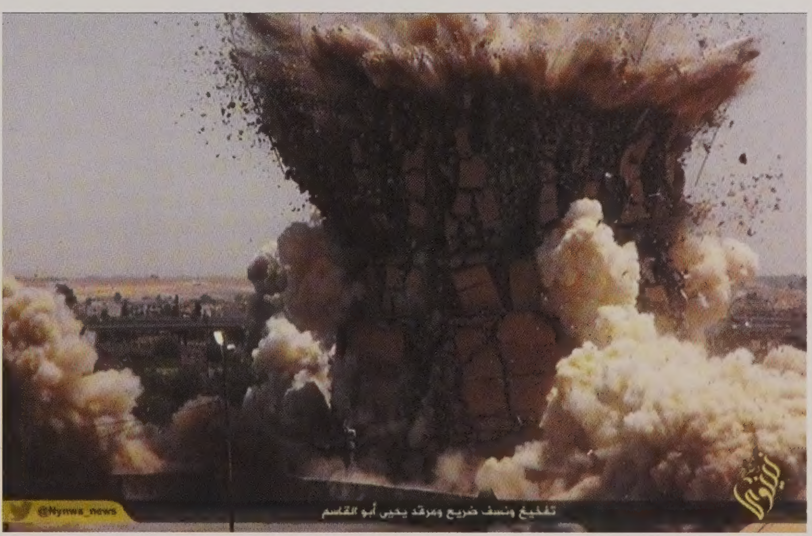


FIGURE 11. Destruction of a shrine by ISIS.

NGOs. There is also The Day After organization (TDA). It is an organization I helped establish. Among other things, it manages and coordinates some of these activities. Then there are the international organizations, such as ASOR, which Michael Danti will discuss, and UNESCO, which I don't think is able to do much.

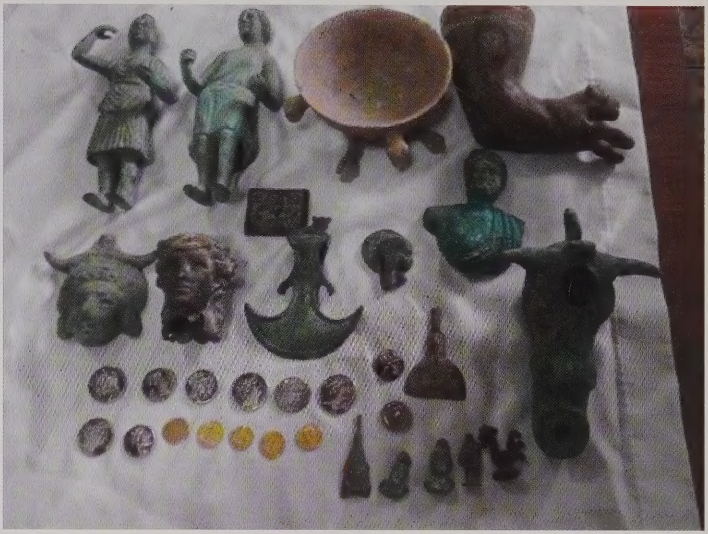


FIGURE 12. A collection of looted antiquities offered on the market, which included at least one fake Ph: TDA-HPI.

> "Their ability to act with impunity is central because that's what keeps ISIS in power."

Heritage Protection Initiative is a program of the TDA. Initially established to support cultural heritage activities, it provides an institutional framework for addressing preservation concerns. We help coordinate and organize the local activists and archaeologists in the areas we can reach. Many of them were formerly my students at the University of Damascus, where I was a Director of the Science Conservation Lab. They know me. They trust me, and I know them. We work with technical experts from this side, from the Smithsonian Museum and from some of our European partners. We are hoping to work with Michael Danti's group. Our primary work consists of documenting violations, tracking looted antiquities, and implementing small-scale preservation projects, like the sandbagging of the Museum of Ma'arra **(FIG. 4),** which effectively saved the mosaics when the barrel bomb landed. This does not mean we can protect against the next barrel bomb. If it lands directly on top, the mosaics will be damaged. So long as it is not a direct hit, we have a chance.

In terms of tracking looted antiquities, **FIGURE 12** shows one collection that was initially offered at $250,000. I don't know if it's worth $250,000, and I'm not sure whether it has been sold. In fact, there is at least one fake among the objects. But this is the kind of material we are trying to track. More importantly, it is fresh material, something that no one has seen. It's a scoop.

> "So in effect ISIS will destroy what it cannot sell or does not need to sell."

My short video shows a mosaic up for sale. The dealer has displayed a dated newspaper to inform us that this is real, that it's at the location, and that if we want to come to see it in person, we can. He is one of the main dealers selling material out of Turkey, and we are hoping to get a lot more information about his activities. I am flying to Turkey tomorrow for that. We received this video yesterday, after a very lengthy negotiation.

As I said, we document violations, we track looted material, and we do small-scale implementation projects, with support from organizations like the Prince Claus Fund for Culture and Development. The team is comprised of Syrians, who all live inside Syria. They are the "Monuments Men" of Syria.

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RECENT CULTURAL HERITAGE DEVELOPMENTS

MICHAEL D. DANTI*

> "Islamic State (ISIL) looting and destruction of pre-Islamic antiquities has received a great deal of media coverage in the United States. But when we look at the numbers. … we see that ISIL has been focusing on destroying religious houses of worship, shrines, cemeteries, and other more modern heritage, 'more modern' meaning from the Middle Ages up to the present time."

ASOR-Cultural Heritage initiatives (CHI) was formed through a cooperative agreement between the U.S. Department of State's Bureau of Near Eastern Affairs and Bureau of Educational and Cultural Affairs and the American Schools of Oriental Research (ASOR) **(FIG. 1)**.[1] Our mission is to monitor and evaluate the cultural heritage situation in the conflict zone of Syria and Iraq and in surrounding countries. We produce weekly reports for the State Department, which are then shared with the public in redacted form on ASOR-CHI's website and also distributed to organizations like UNESCO, the United Nations, and other groups. We also engage in mitigation and preservation projects in the conflict zone. These projects were extremely difficult to implement in our first year, which ended August 3, 2015. In addition, we develop plans for risk-management and large-scale preservation projects for the post-conflict period.

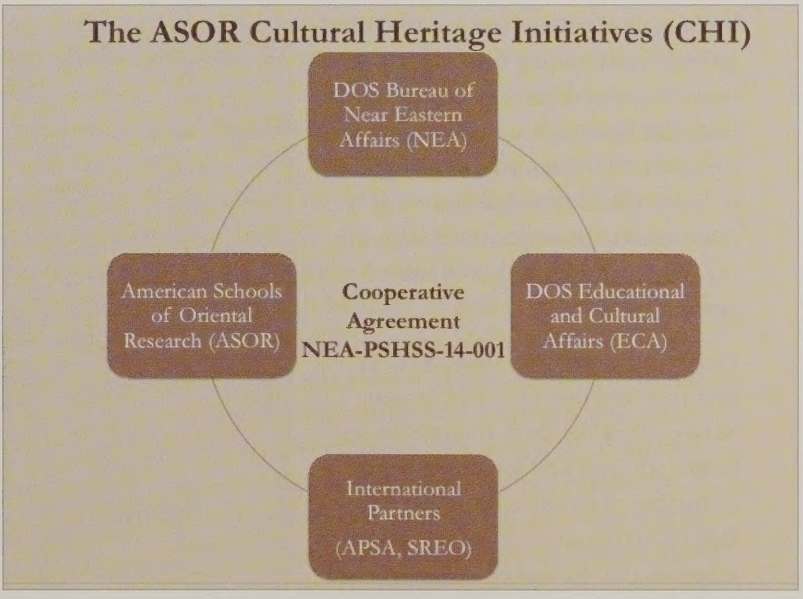
The ASOR Cultural Heritage Initiatives (CHI)
DOS Bureau of Near Eastern Affairs (NEA)
American Schools of Oriental Research (ASOR)
Cooperative Agreement NEA-PSHSS-14-001
DOS Educational and Cultural Affairs (ECA)
International Partners (APSA, SREO)

FIGURE 1. The cooperative agreement comprising ASOR Cultural Heritage Initiatives.

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* Michael D. Danti, Ph.D., FSA, is the Academic Director, American Schools of Oriental Research Cultural Heritage Initiatives (ASOR-CHI).

[1] For more information about ASOR, see: www.ASOR.org and for ASOR-CHI, see: www.ASOR-syrianheritage.org.

Public outreach represents another major part of our program, and we strive to raise awareness of the tragedies that are unfolding in Syria and Iraq.

> "… The media prefers to cover stories that resonate with western audiences, such as attacks on famous heritage from ancient time periods excavated by western archaeologists."

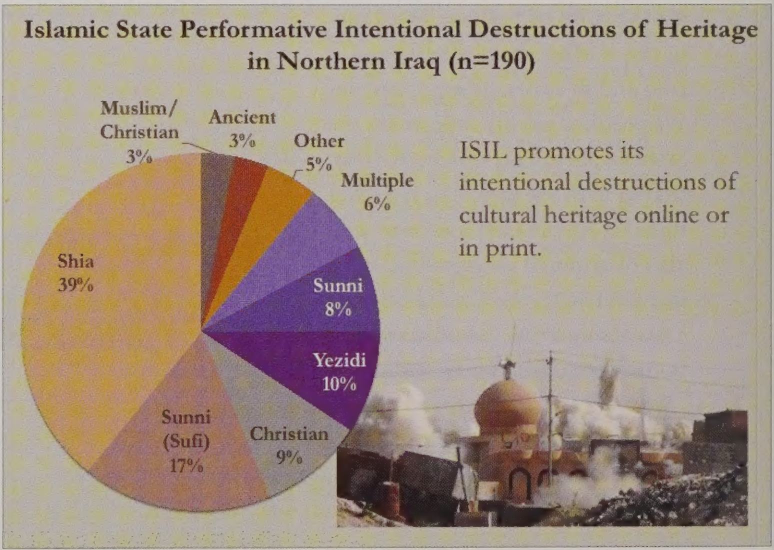
We have been gathering data for some time regarding cultural heritage incidents in Syria and Iraq. Islamic State (ISIL) looting and destruction of pre-Islamic antiquities has received a great deal of media coverage in the United States. But when we look at the numbers and track the situation in Iraq back to June 2014, we see that ISIL has been focusing on destroying religious houses of worship, shrines, cemeteries, and other more modern heritage, "more modern" meaning from the Middle Ages up to the present time. Islamic State has destroyed, severely damaged, or occupied well over 200 sites to date in northern Iraq, mostly centered on the cities of Mosul and Tal Afar. We attempt to determine the religious affiliations of these sites as well as pre-Islamic heritage damage. The story in northern Iraq has not been about archaeological looting; nor was it in the pre-conflict period, when looting was largely confined to the destabilization of southern Iraq. ISIL does loot, and they loot more directly in northern Iraq as compared to Syria, where the organization acts more as a facilitator and regulator for the looting, trafficking, and sale of antiquities.

Preliminary statistics show **(FIG. 2)** that first and foremost ISIL targets Shi'a cultural heritage to increase sectarian tensions and foment violence to further destabilize Iraq. Sufi heritage in Syria and Iraq has also been targeted and decimated across a broad area. This is both a way of carrying out religious cleansing and targeting Kurds, who are predominantly of the Sufi sect. Urban Christian sites are not as frequently destroyed; rather, they are often re-tasked as mosques or Islamic State facilities.

This is the situation as we have documented it in northern Iraq on a weekly basis since June 2014. I am uncertain at times whether it is a good thing or bad thing, but these deliberate destructions of heritage do not receive a great deal of media attention. Videos are released by ISIL online, and the major media outlets often do not pick up the story because there have been so many deliberate destructions over such a short period, and the media prefers to cover stories that resonate with western audiences, such as attacks on famous heritage from ancient time periods excavated by western archaeologists.

> "Syria presents a very different situation; the sources of heritage damage are quite diverse."

Syria presents a different situation: the sources of heritage damage are quite diverse. The major sources of reported damage vary markedly by Syrian governorates (provinces), depending on the prevalent types of local archaeological sites, the



ISIL promotes its intentional destructions of cultural heritage online or in print.

FIGURE 2. Sectarian breakdown of ISIL performative deliberate destructions in northern Iraq.

military situation, and the belligerents controlling a particular region. We have monitored and evaluated over 1,000 damage incidents in Syria dating back to 2013.[2] Our staff has been kept extremely busy with new incidents, and has as yet been unable to trace heritage damage back to the outbreak of the Syrian conflict in 2011. In short, we are building a database and looking at the numbers so that we can assess needs and risk for proactive responses moving forward. Based on human-sourced information and satellite imagery, looting currently represents the most frequently reported and observed source of heritage damage.

Second to looting is illegal digging, that is excavation on archaeological sites but not primarily for the collection of antiquities as assessed in the field or in satellite images. This includes digging for military purposes, agriculture, and construction. Since the start of the Syrian conflict, there has been little monitoring and protection of archaeological sites with the deterioration of law enforcement and cultural heritage infrastructure, and many sites are being developed. The antiquities that are churned up serve as a secondary source of revenue for a farmer, for example, who is trying to flatten an area for a field, or a crew building a road or defensive earthworks for ISIL or the Syrian Regime, but the antiquities were not the primary purpose of the digging. Combat damage represents another frequently reported source of heritage damage. It is an almost daily occurrence. While it occurs less frequently in Syria than looting and digging, it exerts much higher impacts. Combat damage frequently entails the destruction of an entire mosque, historic school, hospital, or museum. In cities like Aleppo, whole sections of the UNESCO World Heritage site have simply been leveled through barrel bombing and other airstrikes.

Illegal construction is also a major source of reported damage. Classical and Byzantine sites in the Dead City's region are being demolished using bulldozers, and the stones from early Christian churches and other standing ancient structures are being reused to build new structures or processed to produce plaster and cement. This damage closely correlates with the camps of internally displaced people. Performative deliberate destructions, mostly of Shi'a and Sufi heritage, which Richard Zettler and Amr Al-Azm mentioned, happen frequently in ISIL-controlled territories in the north and east of Syria and in Jabhat-al-Nusra's territory.

Facilities thefts, which are far down the list in terms of frequency, include thefts of entire antiquities collections from museums and excavation headquarters. It does not often make the news when mujahideen or other thieves break into excavation headquarters and steal the antiquities and equipment stored there, sometimes destroying the product of decades of field research.

> "Combat damage represents another frequently reported source of heritage damage. … While it occurs less frequently in Syria than looting and digging, it exerts much higher impacts."

Also down the list in terms of frequency, but of extremely high impact, are the tunnel bombs, of which there were several incidents in July and August. Tunnel bombs are used mainly in the Aleppo theater of combat primarily by Islamist Opposition forces to root out Syrian Regime forces. The Opposition forces do not have access to airstrikes, helicopters, or barrel bombs, and so they attack the regime forces by excavating beneath historic structures or other buildings where regime soldiers are known to be housed and then packing those tunnels with fertilizer or other explosive materials. Then they let off massive blasts, wiping out large sections of city blocks. The detonations of tunnel bombs are often filmed for propagandistic purposes. Such bombings have completely destroyed or severely damaged large numbers of heritage places, as well as archaeological deposits beneath those buildings. We believe that Opposition forces may often use the tunnel bombs as retribution for regime barrel bombings.

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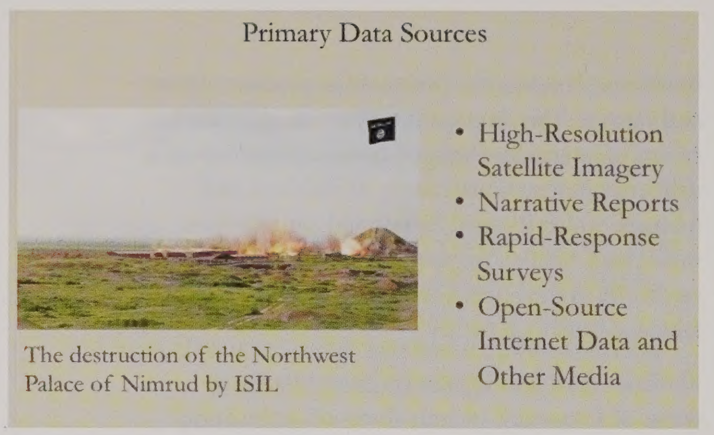
[2] Until August 2015, when the *IFAR Evening* took place.



Primary Data Sources

- High-Resolution Satellite Imagery
- Narrative Reports
- Rapid-Response Surveys
- Open-Source Internet Data and Other Media

The destruction of the Northwest Palace of Nimrud by ISIL

FIGURE 3. Primary data sources for tracking heritage incidents.

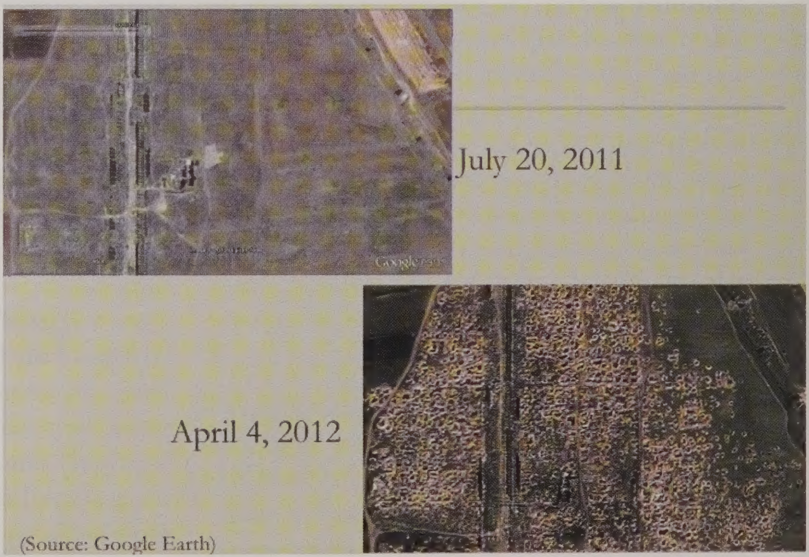
DATA SOURCES

On a weekly basis, ASOR-CHI gathers narrative reports from in-country sources and often collects rapid-response surveys anonymously from sources in the conflict zone in order to develop a basic picture of the ubiquity and economic appeal of antiquities thefts, trafficking, and looting and the the details surrounding deliberate destructions of heritage **(FIG. 3)**. We draw on open-source Internet data and other media from the Internet — very traditional sources of information — and then follow up to corroborate. We assess satellite imagery to verify and evaluate all of these different heritage incidents, such as the deliberate destruction of the North-West Palace at Nimrud, and to identify unreported incidents. We send the State Department immediate notices by email, and then we write our weekly reports, which are later redacted for public distribution.

We have reported, for example, on the looting of Apamea, a famous Hellenistic and Roman site, which occurred while the Syrian Regime controlled the site. Many of us have seen the before and after photos **(FIG. 4)**. What is especially disturbing about the looting of Apamea is that the smaller holes are each approximately two by three meters in size, and they cut deeply into the stratified archaeological deposits. At this point, the archaeological site is largely destroyed, and the looters have since moved on.

By studying satellite images from 2012–2013, our geospatial team was able to see, over time, how the site was being looted. The looting was spreading according to land tenure patterns in the area. One farmer's field would be looted, and then the next farmer's field, and so on over time. They would skip over some farmers' fields and return to them later, after presumably working out arrangements with the landowners. The site of Dura-Europos is being looted very similarly in terms of scale — but not land tenure patterns — and is probably still being looted by ISIL today.

> "Also down the list in terms of frequency, but of extremely high impact, are the tunnel bombs … used mainly in the Aleppo theater of combat primarily by Islamist Opposition forces to root out Syrian Regime forces."



(Source: Google Earth)

FIGURE 4. Before and after photos show the looting at Apamea, Syria. The small holes seen in the April 4, 2012 photo are each approx. 2 x 3 square meters. Ph: Google Earth.

So, we monitor the sites that are being looted, try to determine who is looting them, and also monitor the antiquities market. In year one, however, it was not part of our purview to monitor the market. The Request for Proposals issued by the State Department for the cooperative agreement did not include monitoring antiquities trafficking and markets because it was developed in April 2014, before the so-called Islamic State suddenly took Mosul and before we had indications of the extent of looting linked to all the major belligerents in the conflict. We were awarded this cooperative agreement in June 2014, and in July and August the overall situation changed markedly. We began to collect information on antiquities markets because data were regularly being volunteered to us. There were *that* many photographs of looted antiquities and reports coming available. Our main tasks, however, were to monitor built heritage and the looting of archaeological sites. In year two, which we have recently been awarded, we will be systematically monitoring the antiquities markets in the conflict zone.

Mari, Syria, an important Bronze Age site famous for its Palace of Zimri-Lim, which was burned by the forces of Hammurabi, King of Babylon, in the 18th century BC, has been severely looted. All of the areas in red, shown in a recent satellite image, contain multiple looter holes **(FIG. 5)**. At least one antiquity we've seen on the market in Turkey probably comes from this site. What does it mean when there's one antiquity with a distinctive style — the Mari style — that comes from a site like this, and then you count the number of looter holes that have been excavated into a rich deposit of the 19th and 18th centuries BC? One statue and all of those holes! We don't even know how much of the palace has been looted because it is covered with a roof to protect it. It is very disturbing. We have over a thousand antiquities in our database today, and they are clearly the tip of a very large iceberg. I believe we are documenting a small percentage of the material on the illicit market. Having worked as an archaeologist in Syria for 25 years, I can envision how many antiquities looters have probably found in Mari — decades worth of excavation done in about a year. That is a lot of material, so I know it is out there somewhere. The loss to science, and Syria's future, is inestimable.

In the area of modern Raqqa, we see large-scale looting at a lesser-known Bronze Age site of about

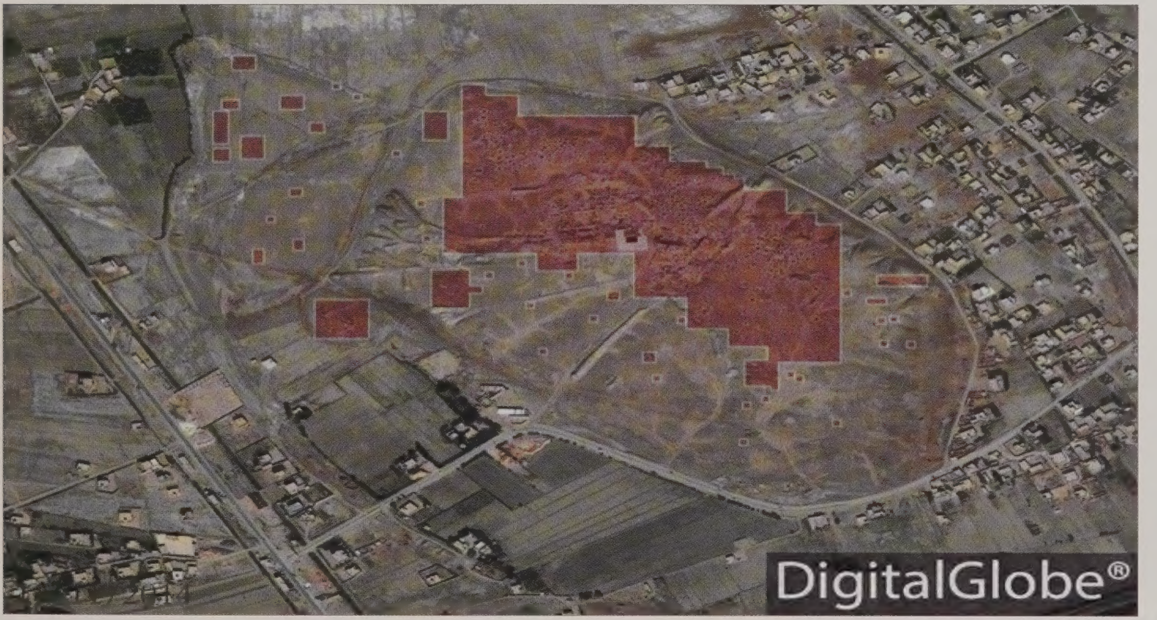


FIGURE 5. Satellite image of Mari, Syria. The red areas contain multiple looter holes Ph: Digital Globe/Scott Branting.

the same time period, where German archaeologists discovered an interesting Middle Bronze Age palace. Tell Bi'a was the ancient city of Tuttul, a famous religious center. Two areas of the site have Hellenistic and Roman remains, large areas of which have been removed using heavy machinery. This site has also experienced small-scale looting in other areas. Local transhumant pastoralists seasonally bring their flocks of sheep and goats here during the rainy seasons — we can see their tents in satellite imagery — and they appear to be excavating holes in the mounds for antiquities, small-scale thefts that Amr describes as subsistence looting done to feed their families. But the satellite image shows something more sinister occurring in the areas of late occupation, where the mound is being completely destroyed **(FIG. 6)**. We know from the antiquities that are coming into Turkey and Lebanon that there is a preference for looting Hellenistic, Roman, Byzantine, and early Islamic sites. Since 2014 there has been systematic looting in the areas of Tell Bi'a that were occupied in these later time periods. An earthmover comes in from a local neighborhood, clears the spoil heaps from the looting, and takes the soil away for construction fill, and then the looting continues. This is industrial scale, systematic looting in ISIL's de facto capital. We know that this has to be done by ISIL or with their approval.

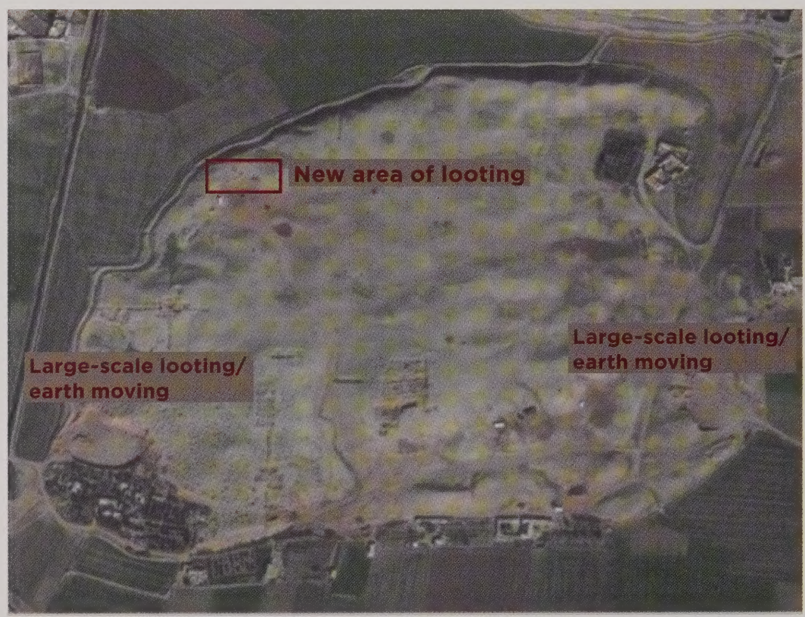

New area of looting
Large-scale looting/ earth moving
Large-scale looting/ earth moving

FIGURE 6. Looting/digging at Tell Bi'a, Raqqa, Syria.

> "Having worked as an archaeologist in Syria for 25 years, I can envision how many antiquities looters have probably found in Mari – decades worth of excavation done in about a year. That is a lot of material, so I know it is out there somewhere."

Metal detectors are being used throughout Syria, which require a special permit in ISIL territory and ISIL rents such equipment out to licensed looters. ISIL and other groups are fond of marketing coins and other metal objects, which can be collected quickly with metal detectors at many Classical, Byzantine, and Islamic period sites.

WHO IS DOING THE LOOTING?

Who is doing the looting? In the media you would think that it was just ISIL. But, in reality, it is everyone with a shovel or an earthmover. Looting is structured differently in different regions. Jesse Casana has examined looting at a sample of well-known archaeological sites in Syria according to zones of control **(FIG. 7)**. The yellow area is currently the approximate area controlled by Kurdish paramilitaries. It has grown recently to comprise area taken from ISIL. We can see that looting is occurring in Kurdish-controlled territory at a very high rate. We are monitoring 7,000 archaeological sites across Syria. When we look at samples of those sites in Kurdish territory, we see that there is severe looting at one site, moderate looting in the satellite imagery at two sites, and minor looting at 28 sites. So, in the sample, 31 of 132 sites in Kurdish territory have some conflict-related looting, which at the time equaled 23.5%. This is almost certainly linked to Kurdish paramilitary occupation of many of these sites, as well as poverty in this area. We know from our narrative reports from Turkey and elsewhere, and from our rapid response surveys, that the Kurds are involved in looting, trafficking, and the sales of antiquities, but this does not receive a great deal of attention **(FIG. 8)**. In Opposition-controlled areas, Casana documents 26.3 percent of the sites in the sample show evidence of conflict-related looting, but there was less looting in areas under the Syrian Regime, only 15.6 percent.

Looting of sample sites in ISIL-controlled areas was only 16.5 percent, but the severity of looting is much worse — often described as industrial in scale. Such looting occurs with the organization of the illegal activity. Naturally, some looting was occurring before the conflict and became far worse after 2011 with the breakdown in the rule of law. As ISIL captured territory, the organization encouraged, organized, and regulated looting, essentially exploiting existing looting and trafficking networks, and acting as a "criminal capacity builder."

The town of Tell Abyad, located on the Syrian side of the border with Turkey, was until recently held by ISIL. There are several archaeological mounds here that we are monitoring, one with a village on top of it that ISIL trenched and turned into an outpost in late 2014 to early 2015, presumably in order to watch

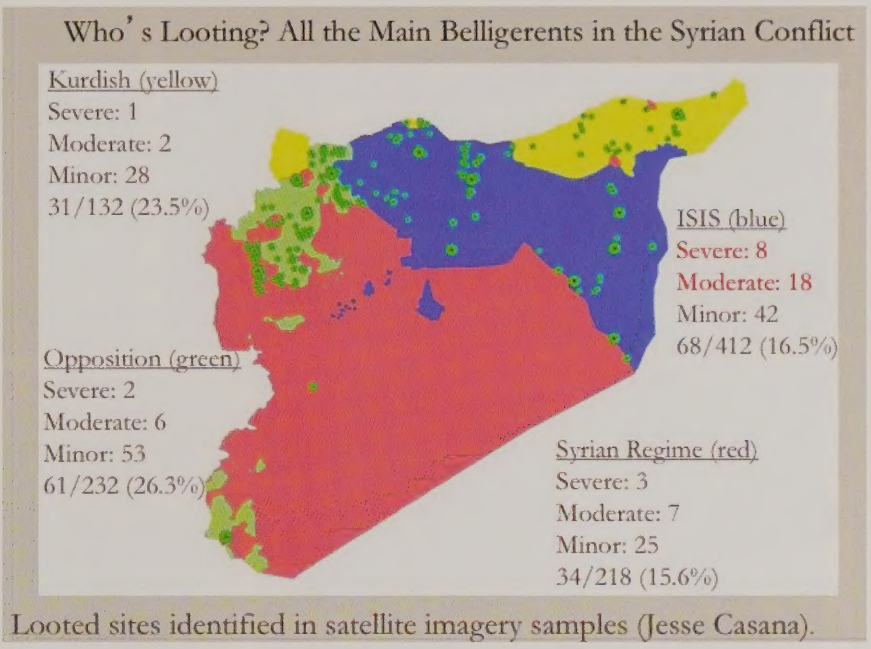
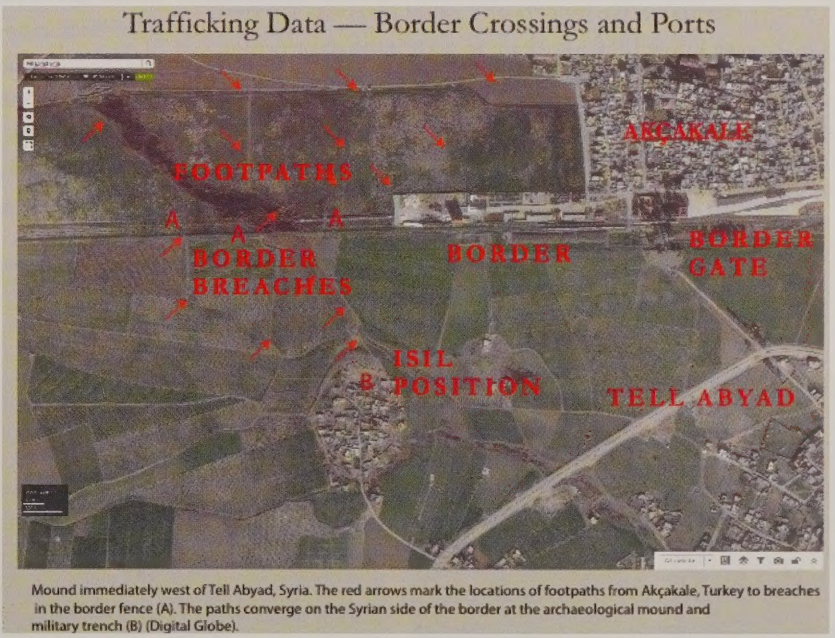

Who's Looting? All the Main Belligerents in the Syrian Conflict
Kurdish (yellow)
Severe: 1
Moderate: 2
Minor: 28
31/132 (23.5%)
ISIS (blue)
Severe: 8
Moderate: 18
Minor: 42
68/412 (16.5%)
Opposition (green)
Severe: 2
Moderate: 6
Minor: 53
61/232 (26.3%)
Syrian Regime (red)
Severe: 3
Moderate: 7
Minor: 25
34/218 (15.6%)
Looted sites identified in satellite imagery samples (Jesse Casana).

FIGURE 7. Color-coded map of Syrian looting indicating areas controlled by the various belligerent groups: Kurdish = yellow; Opposition forces = green; ISIS = blue; Syrian Regime = red. Illustration: Jesse Casana.

> "Who is doing the looting? In the media you would think that it was just ISIL. But, in reality, it is everyone with a shovel or an earthmover. Looting is structured differently in different regions."


Trafficking Data — Border Crossings and Ports
AKÇAKALE
FOOTPATHS
A
A
A
A
BORDER BREACHES
BORDER
BORDER GATE
ISIL POSITION
B
TELL ABYAD

Mound immediately west of Tell Abyad, Syria. The red arrows mark the locations of footpaths from Akçakale, Turkey to breaches in the border fence (A). The paths converge on the Syrian side of the border at the archaeological mound and military trench (B) (Digital Globe).

FIGURE 8. Trafficking data for a mound west of Tell Abyad, Syria, showing footpaths from Akçakale, Turkey. Photo: Digital Globe. Illustration: Michael Danti.

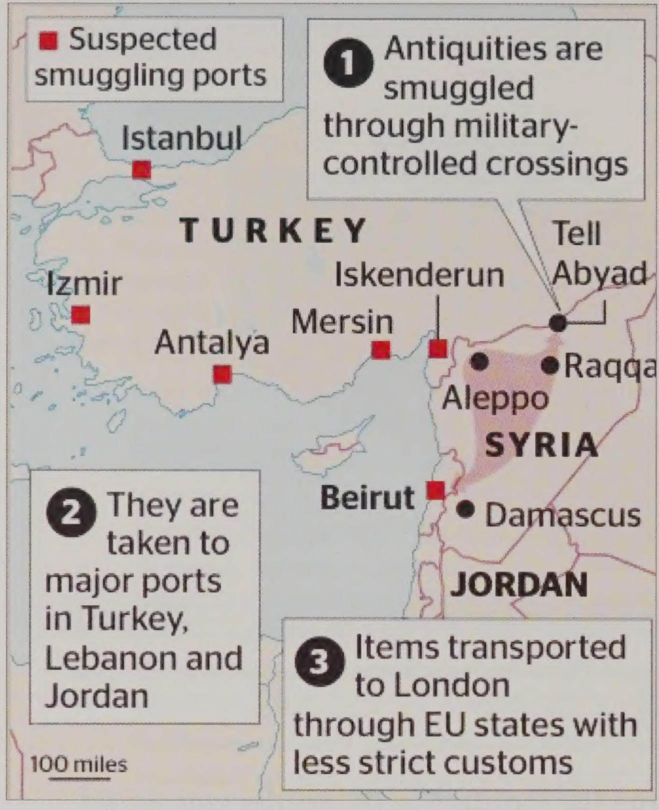

■ Suspected smuggling ports
① Antiquities are smuggled through military-controlled crossings
Istanbul
TURKEY
Tell Abyad
Izmir
Iskenderun
Mersin
Antalya
Raqqa
Aleppo
SYRIA
Beirut
Damascus
② They are taken to major ports in Turkey, Lebanon and Jordan
JORDAN
③ Items transported to London through EU states with less strict customs
100 miles

FIGURE 9. Smuggling routes out of Syria.

Akçakale and the Turkish side of the border. From our narrative reports and rapid response surveys, we know that Akçakale was an important center for the trafficking and the sale of antiquities. So we began to focus on this area for our ground-based observations and satellite assessments, and we found that ISIL had recently fortified this mound. Footpaths had suddenly sprung up leading from the ISIL trenches on the archaeological mound to holes in the Turkish border fence and into the town of Akçakale. We were able to show how people, as well as antiquities, were moving back and forth, and one of the routes by which antiquities were reaching southern Turkey.

This route corresponds to ISIL's 2015 guidebook (available in a pdf and online) to immigrating to the so-called caliphate. The guidebook basically reads, "Go to Akçakale and you can cross the border there to Tell Abyad to travel onward to Raqqa." This area is now controlled by YPG Kurdish forces, which I doubt will stem the tide of antiquities leaving the country.

Now that ISIL has lost most of its key border connections with Turkey, traffickers are trying to move their material towards Lebanon — both ISIL traffickers and traffickers who are Sunni Arabs but not affiliated with ISIL **(FIG. 9)**. The smashed Palmyrene funerary sculptures discussed by Amr allegedly belonged to a non-ISIL looter who was caching his material in Tell Abyad for eventual sale to dealers operating in Turkey. When he decided to move the material from Tell Abyad to Lebanon, the shipment was intercepted by ISIL. ISIL fighters publicly smashed the antiquities for the cameras to make a show of their iconoclasm since locals knew of the seizure, but in reality this performance served to demonstrate what happens to traffickers who do not pay to move their material through ISIL territory. We obtained narrative reports on this incident from multiple sources, including members of the trafficking network.

Let us move to the orphaned art, the objects that have been ripped from the ground and break the hearts of archaeologists, art historians, and anyone who cares about the region's cultural legacy. Cell phone photographs of coins and other objects , like this fairly well known photograph from Turkey, **(FIG. 10)** are used by low-level antiquities dealers

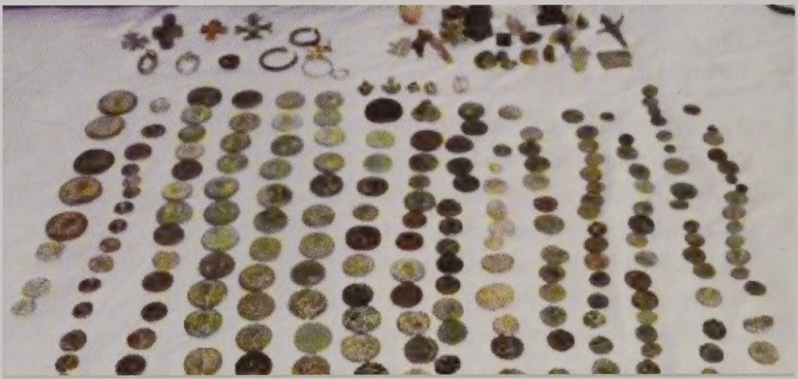


FIGURE 10. Cell phone photographs of coins and other small objects marketed on the Internet.

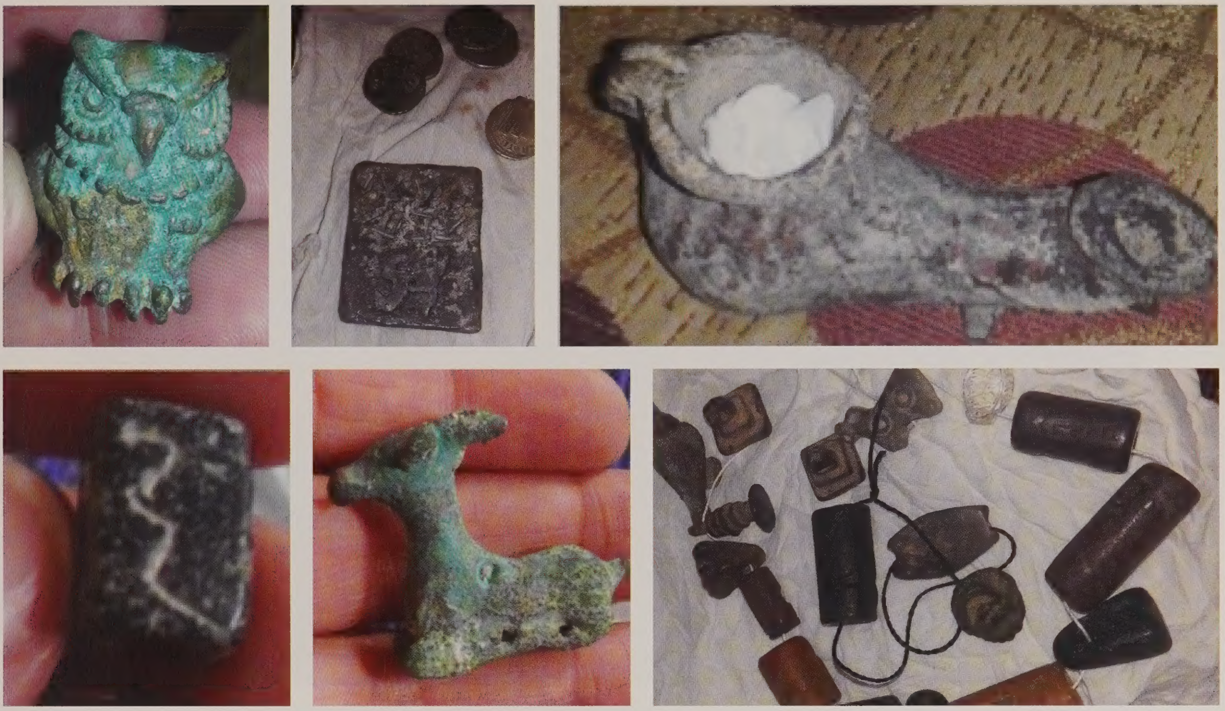


FIGURE 11. Syrian antiquities of low or medium value marketed on the Internet or via cell phones.

to market material over the Internet. We have recently seen low- and medium-value material that is linked to the Deir ez-Zor area and the site of Dura **(FIG. 11)** — uncleaned bronzes of eagles and other figures (possibly some fakes), coins, cylinder seals from Early Bronze Age and Middle Bronze Age sites in the Euphrates Valley, lamps probably from the Classical or Early Islamic era, and a little stamp seal with a snake on it. Most of what we are tracking now is the low-to-middle end of the market because belligerents are marketing such material as quickly and directly as possible, usually through cell phone photos and social networks. This leaves a digital trail that we can collect. The wholesale/low-level dealers do not often tell you where the material comes from. Artifacts from various sites, regions, and belligerent groups are mixed together after material comes across the border, and fakes are interspersed with the antiquities at that point or at the point of origin (the archaeological site) to stage fake discovery photos.

We have examples of fake coins allegedly being brought from Bulgaria to Turkey, where they are mixed with other coins and then marketed (in the wholesale context) as coming from the conflict zone. Many are then taken back to Bulgaria, which has been a primary transit point, although there are some indications that preferred routes to

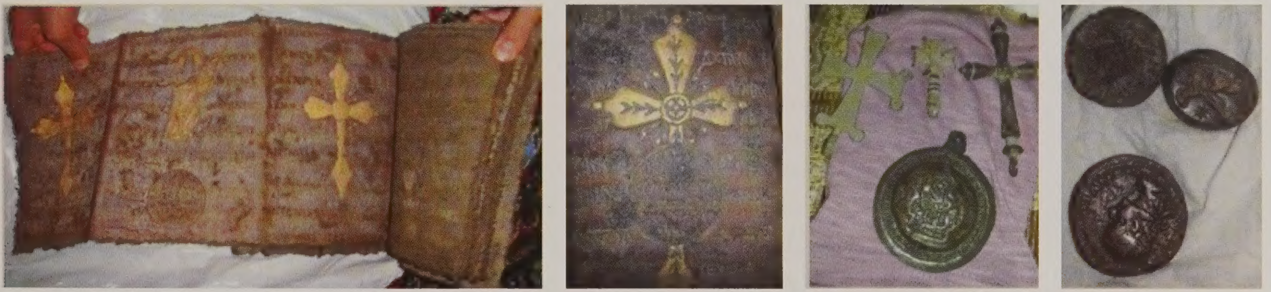


FIGURE 12. Trafficked manuscripts and coins — real or fake, ancient or modern — marketed as being from the conflict zone.

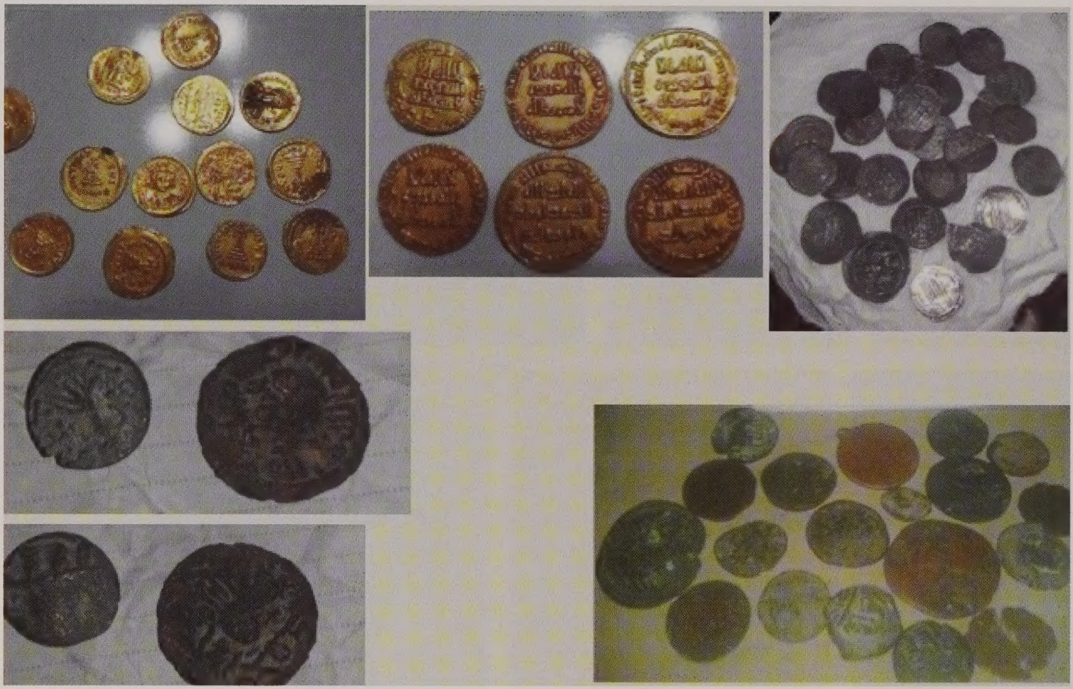
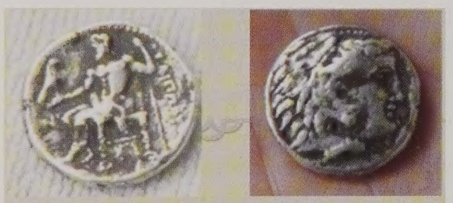
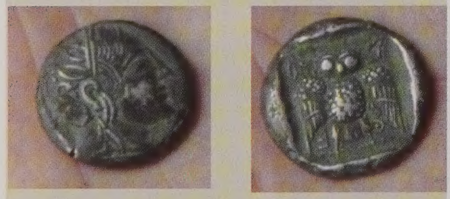


FIGURE 13. Coins marketed on the Internet.

Europe are shifting with heightened awareness and scrutiny. We have also documented a large number of manuscripts, although the media does not regularly cover thefts and trafficking of such cultural property, and also religious paraphernalia, mostly modern **(FIG. 12),** and lots of coins **(FIG. 13).** Coins, especially gold coins, seem to be something that the ISIL is specializing in, based on our in-country sources. More research is needed on such alleged specialization, but it is certainly plausible and quite probable. We have documented a large number of coins, including some fakes of high value issues. If genuine, the Athenian dekadrachm in **FIGURE 14** could potentially be worth over a hundred thousand dollars in a retail situation, but it is almost certainly a fake.



Tetradrachm of Phillip III of Macedon (323–317 BCE)



Athenian dekadrachm — likely fake (467–465 BCE)

FIGURE 14. Trafficked real and fake coins of high value include the probably fake Athenian dekadrachm.

There is clearly a preference for the looting of Classical Period sites based on assessments of satellite imagery and our ground-based observations. Shocking numbers of Palmyrene funerary sculptures have been on the market, interspersed with material from southern Iraq and possibly Iran. Material putatively from southern Iraq is coming up into Turkey with antiquities from Syria and northern Iraq. We do not fully understand the trafficking networks. Moreover, the predominant routes in northern Iraq and Syria have been shifting as zones of control have changed — especially in relation to territorial gains by Kurdish forces in northern Syria and coalition airstrikes on ISIL transport networks linking Iraq and Syria.

SURVEY DATA

How do we understand all of this? We have narrative data from sources, news and social media, and satellite imagery that document what is being looted. In addition, we have conducted Rapid Response

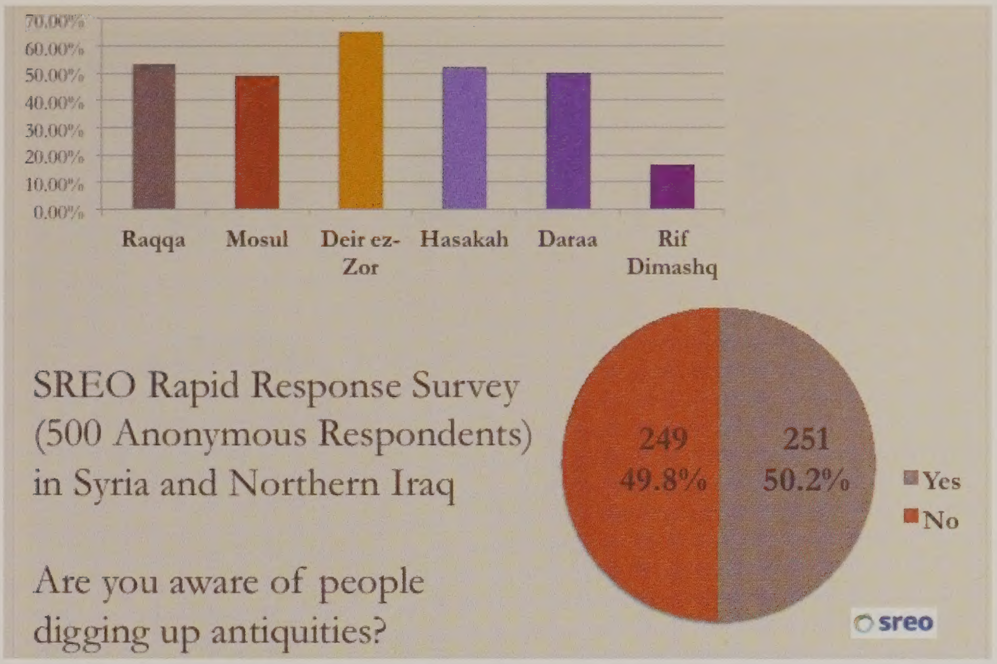


FIGURE 15. Syrian Research and Evaluation Organization (SREO) Rapid Response Survey data showing awareness of the digging up of antiquities.

Surveys through our NGOs working in the conflict zone. They make large numbers of phone calls to ask a set number of short questions about what is happening in terms of the looting, trafficking, and the sale of antiquities. As of the *IFAR Evening,* we have completed about 650 such anonymous interviews in northern Iraq and Syria.

The resulting data (for 500 initial respondents) is broken down geographically for the provinces of Raqqa, Mosul, Deir ez-Zor, Hasaka, Daraa, and Rif Dimashq — samples of ISIL, Opposition, and Syrian Regime-controlled territories. The first question we asked respondents was whether they were aware of people digging up antiquities? **(FIG. 15)** A little over half were aware. We asked, "Are you aware of people who are selling antiquities?" Similar statistics were obtained, although more were unaware **(FIG. 16).** If you look at the way it breaks down, though, what really sticks out is that in the area of Damascus, Rif Dimashq, where the Syrian Department of Antiquities and Museums is still

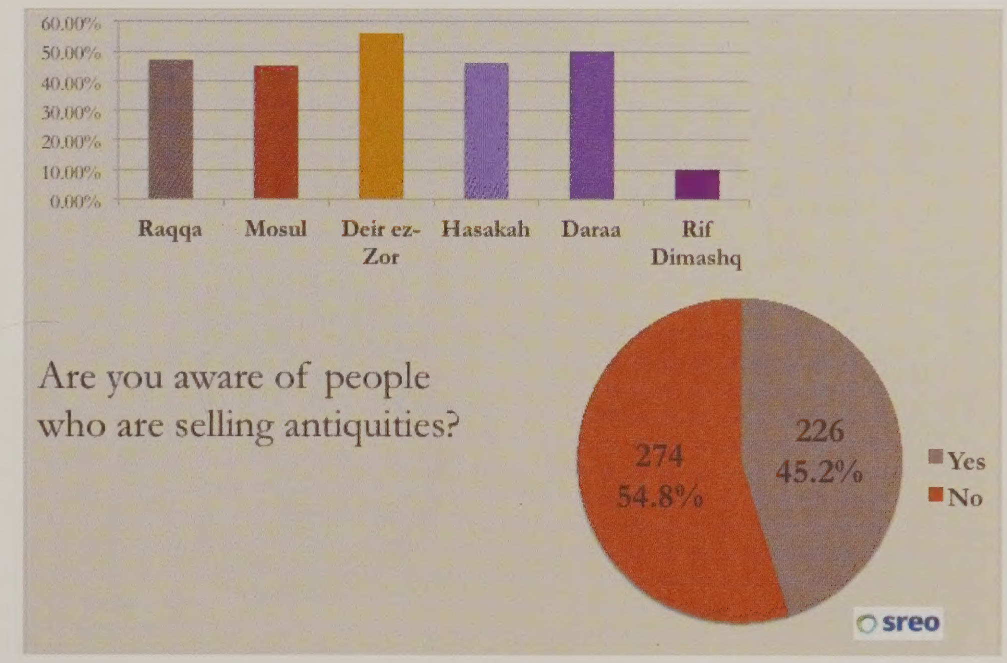


FIGURE 16. SREO survey data showing awareness of people selling antiquities, and the low frequency in Rif Dimashq, a Syrian Regime-controlled region.

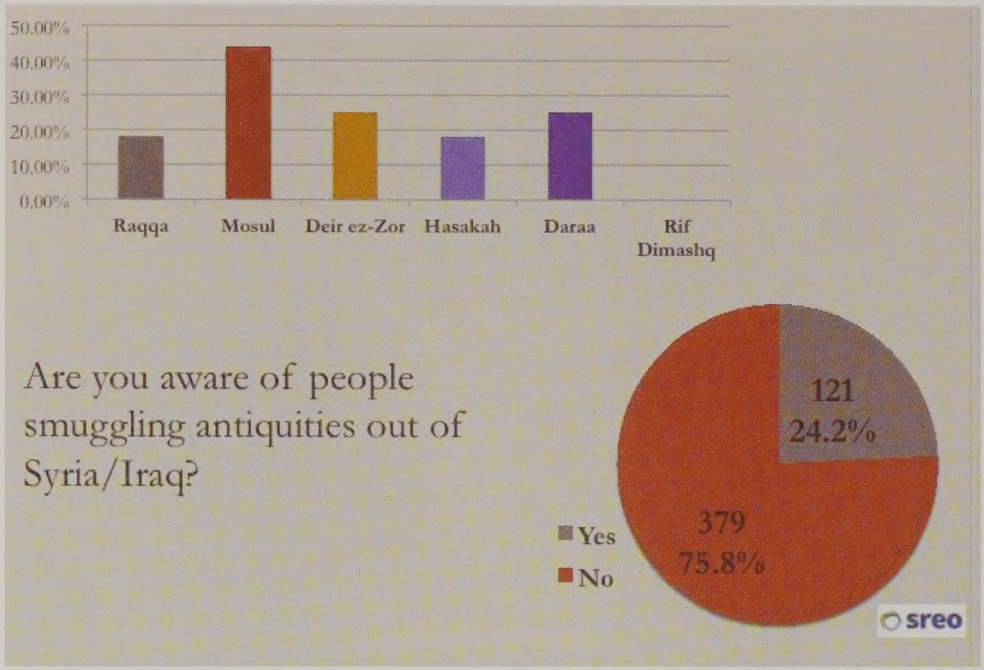


FIGURE 17. SREO survey data showing that just under 25% of respondents, overall, are aware of smuggling out of Syria/Iraq, but more than 40% in Mosul, Iraq.

freely operating, there is not nearly the frequency of reported looting or other cultural property crime. We asked, “Are you aware of people smuggling antiquities out of Syria and Iraq? **(FIG. 17)** About 24.2 percent said “yes,” but the breakdown shows that there are a lot more respondents in Iraq than Syria that were aware of smuggling. Mosul, in Iraq, is a major center for smuggling contraband based on other lines of evidence. Another question, are foreigners (our shorthand for ISIL and other foreign jihadis) *involved* in digging, smuggling, or selling antiquities? **(FIG. 18)** Overall, 27.8 percent of respondents said yes, but in the ISIL stronghold of Raqqa (Syria), it was more than 40%. As to whether foreigners are taxing the looting, smuggling, or selling of antiquities, in ISIL-controlled territories, there was a high incidence of yes responses; the number was low, however, for Rif Dimashq, an area of Syrian regime control.

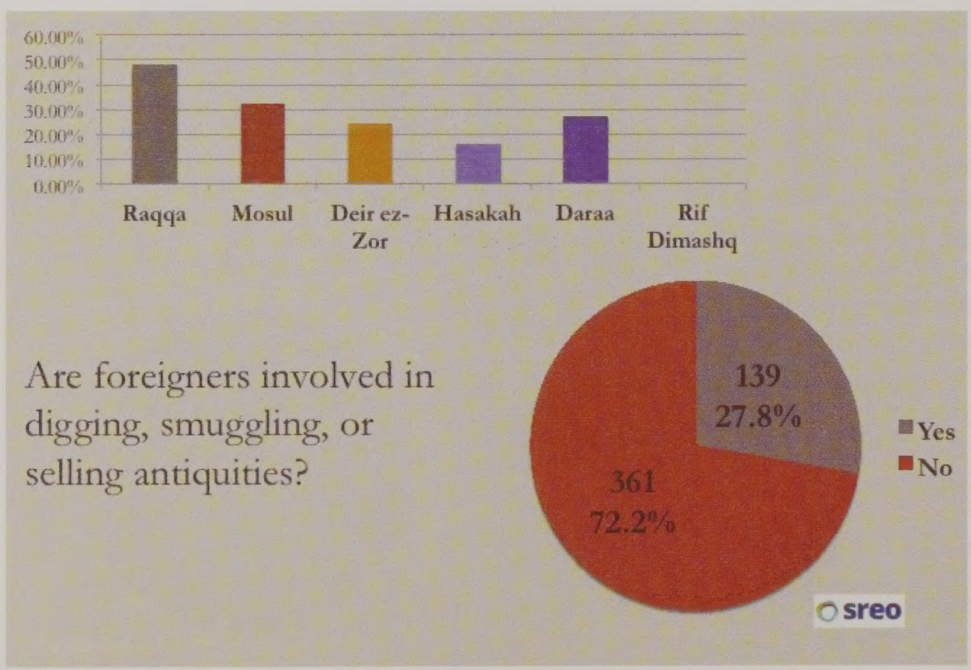


FIGURE 18. SREO survey data showing that just over one quarter of the people believe that foreigners are involved in the looting and trafficking of antiquities.

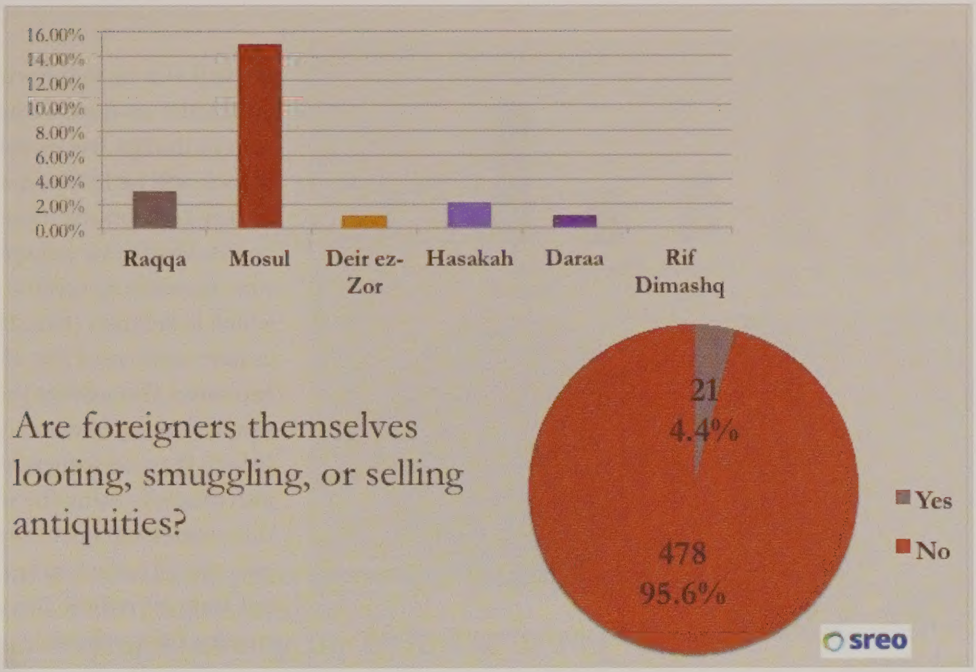


FIGURE 19. SREO survey data showing a strong negative response as to whether foreigners themselves are looting or trafficking antiquities.

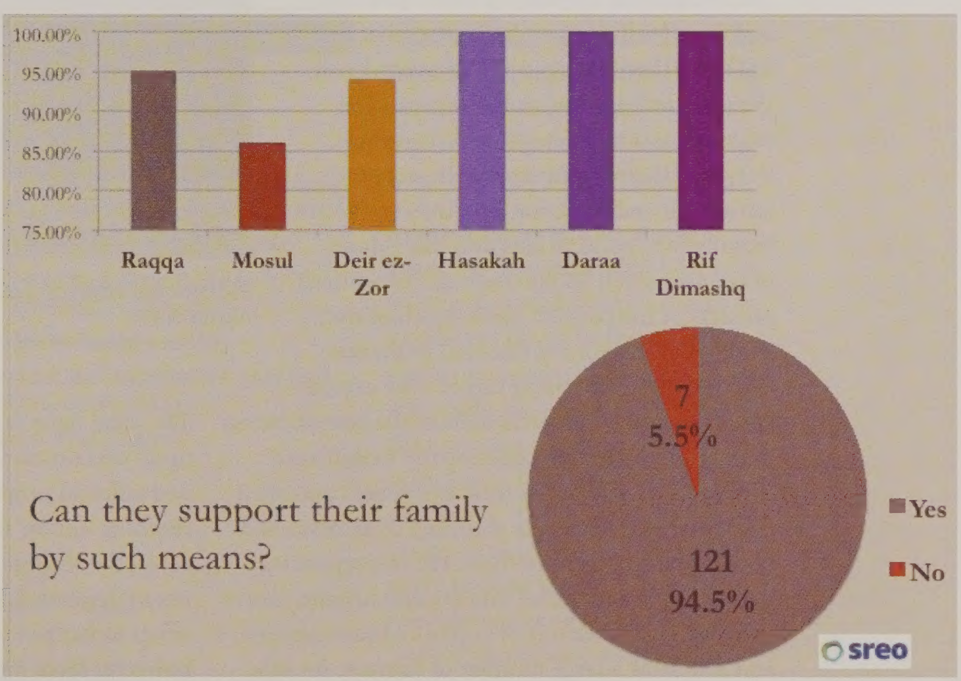


FIGURE 20. SREO survey data shows widespread belief that looters and traffickers can support their families by such means.

In ISIL-controlled territory and also in the far south of Syria, there was a high positive response as to whether foreigners were hiring people to loot, smuggle, or sell antiquities, but few positive answers as to whether foreigners *themselves* were looting, smuggling, or selling antiquities **(FIG. 19)**. If we did have positive answers (about 15%), it was in northern Iraq where there was not a pronounced pre-conflict pattern of looting. Presumably ISIL loots more directly itself there. Importantly, we also asked whether respondents knew someone involved in looting, smuggling, or selling antiquities? Of the people who said yes (128 – 25.4%), we asked whether such individuals could support their families by such means? 94.5 percent (of the 128) said yes **(FIG. 20)**. ISIL and other groups surely know they can exploit poverty and encourage people to loot cultural heritage as a means to support their families. ISIL skims off the top at all three major stages: looting, trafficking, and sales. Asked whether someone could "get rich"

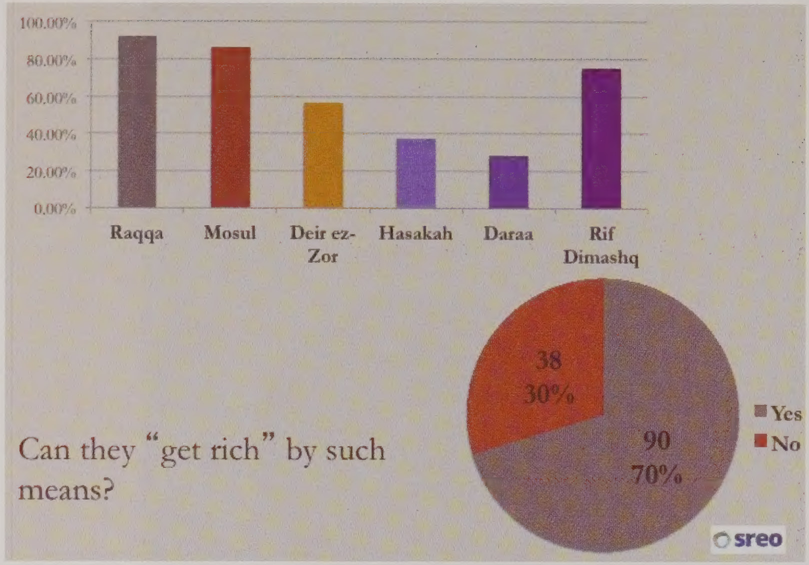


FIGURE 21. SREO survey data shows widespread belief that looters and traffickers can get rich by such means.

by such means, 70 percent said yes **(FIG. 21).** Even if these numbers do not reflect a financial reality, people believe looting is the way that you can find your pot of gold.

CONCLUSION

This is all fairly disturbing news from Syria and Iraq. I will sum up by saying what ASOR-CHI will be doing in its second year. We will continue to conduct monitoring, evaluations, and post our reports online. But we will also ramp up our in-country mitigation and preservation projects. We are looking for organizations and individuals to sponsor small $5,000 heritage mitigation projects in the conflict zone. Much of that work must remain confidential to prevent heritage sites from being targeted by extremists. The types of projects include the consolidation of museum collections and repairs to damaged heritage sites that are outside extremist controlled territories, as well as the scanning of archives and library collections to mitigate the impacts of incidents such as the Mosul Library catastrophe, where ISIL burned thousands of books and manuscripts, and also stole a large number of volumes for sale.

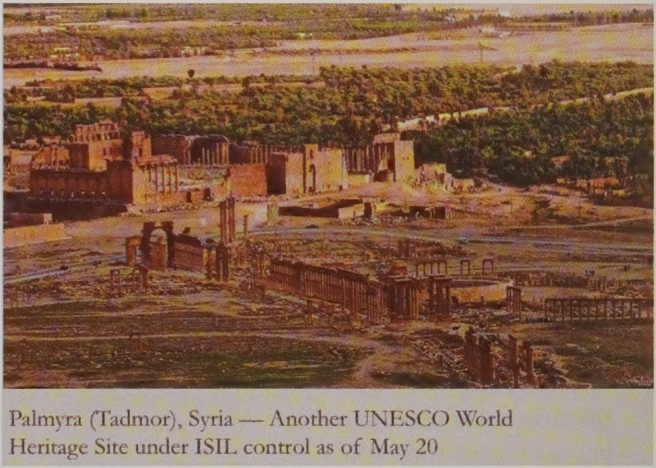

Palmyra (Tadmor), Syria — Another UNESCO World Heritage Site under ISIL control as of May 20

FIGURE 22. Palmyra (Tadmor), Syria – shown before the bombing of August 2015.

We will also be monitoring the evolving antiquities markets. From what we have seen in the last few months, the place to look will be Lebanon and Jordan, as Turkey is becoming more difficult to access. Finally, we are spending more time monitoring specific sites, one of which is Palmyra **(FIG. 22).** Local sources have confirmed that ISIL has planted explosives throughout the site and is simply waiting to detonate those IEDs [which they subsequently did]. ISIL is also allegedly using the site to protect their leadership operating in the Tadmor area. They use it as a place to hide out from air strikes. It is a really distressing but predictable use of heritage.

The good news is that local stakeholders are rising up in certain areas and taking control of museums and cultural property and protecting it, and also reaching out for international support. In some cases, the Regime and the Opposition are coming to understandings in this regard. That is what needs to happen. Local stakeholders are the most powerful force for protecting cultural assets.

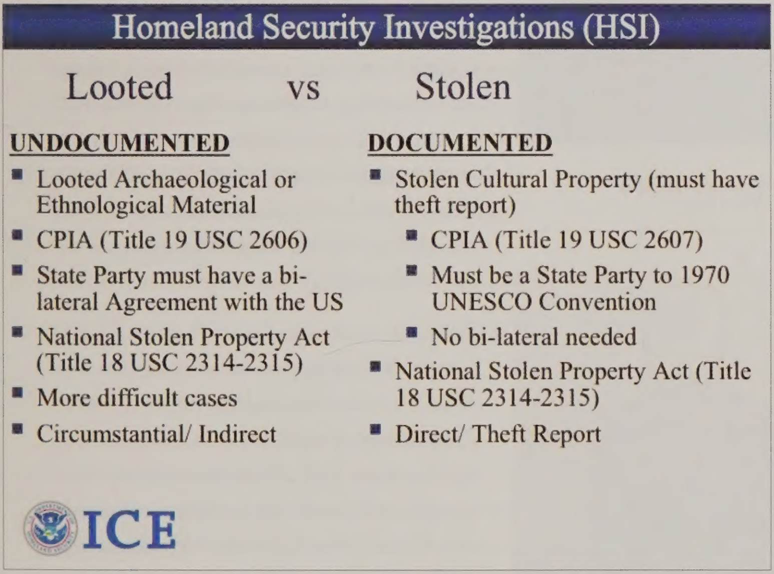
• • •

AN HSI PERSPECTIVE

BRENTON M. EASTER*

> "When I started about 10 years ago, we would seize the pieces, forfeit them, and repatriate them. Now, we are trying to change the culture of looting. We are actually targeting the transnational criminal organizations behind the looting and trafficking."

My role is to tell you about the relevant laws and also about U.S. Immigration and Customs Enforcement's (ICE) HSI — Homeland Security Investigations. Let's start with terminology. What is cultural property? The term is a little ambiguous and may change with time. It is, essentially, movable or immovable property of importance to the cultural heritage of a society or nation. Think of monuments of architecture, art, or history, whether religious or secular; objects from archaeological sites; ethnological objects; works of art — paintings and sculptures; manuscripts; books; pottery; fossils; and so on.



Homeland Security Investigations (HSI)

Looted vs Stolen

UNDOCUMENTED

- Looted Archaeological or Ethnological Material
- CPIA (Title 19 USC 2606)
- State Party must have a bi-lateral Agreement with the US
- National Stolen Property Act (Title 18 USC 2314-2315)
- More difficult cases
- Circumstantial/ Indirect

DOCUMENTED

- Stolen Cultural Property (must have theft report)
  - CPIA (Title 19 USC 2607)
  - Must be a State Party to 1970 UNESCO Convention
  - No bi-lateral needed
- National Stolen Property Act (Title 18 USC 2314-2315)
- Direct/ Theft Report

FIGURE 1. Legal framework of "Looted" vs. "Stolen" objects.

Another important term is provenance — the ownership history of an object, traced from its origin as a collected object to the present, its chain of custody, like the facts that you might get online before purchasing a car. Provenience, on the other hand, tells where an object was found, its find spot. "Looted" versus "stolen" are also terms that apply to what we do. "Looted" refers to undocumented objects, "stolen" to documented **(FIG. 1).**

Different fact patterns lend themselves better to the prosecution of

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* Brenton M. Easter is a Senior Special Agent in the New York office of Homeland Security Investigations (HSI), working primarily on cultural property investigations.

FIGURES 2A and **B. A:** Neo-Assyrian gold earrings from the Treasures of Nimrud , c. 8th-7th century BC. One of several artifacts returned by ICE to the government of Iraq in February 2010. **B:** Egyptian sarcophagus, c. 1st century BC, returned to the Arab Republic of Egypt by ICE and CBP officials in March 2010. Ph: HSI.

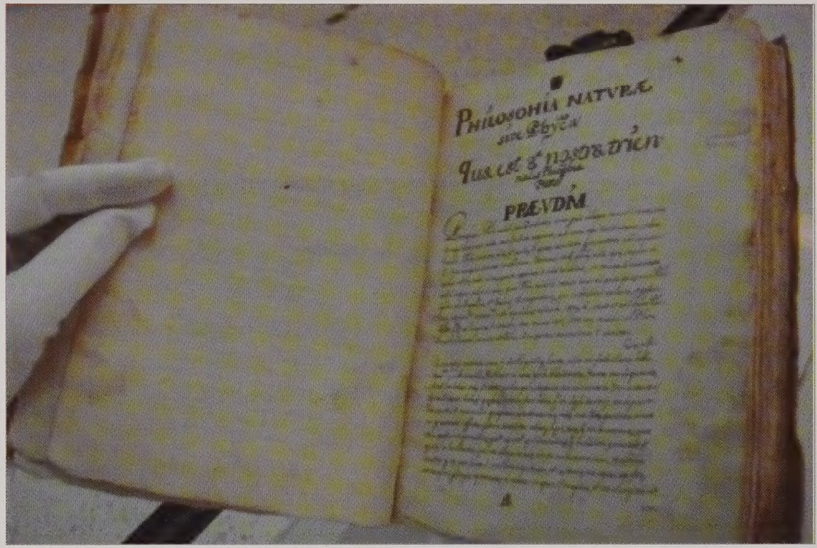
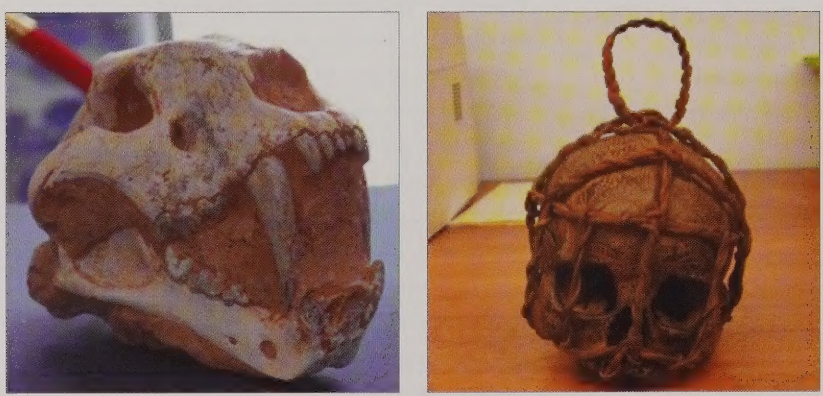


FIGURE 3. 18th-century manuscript stolen from Recoleta Library in Araquipa, Peru and returned by ICE to the government of Peru in May 2011. Ph: HSI.



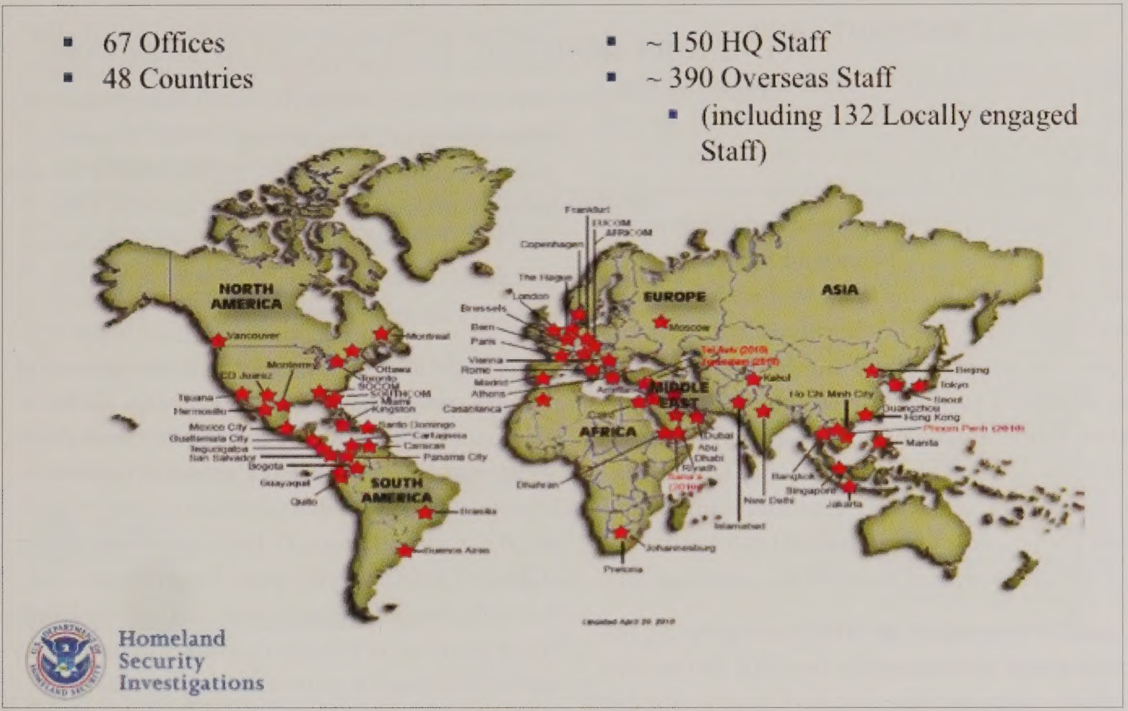
FIGURES 4A and **B. A (left):** Paleovertebrate fossil returned by ICE to The People's Republic of China, May 2010. **B (right):** Peruvian Skull, 640-840 AD, returned by ICE to the government of Peru, April 2010. Ph: HSI.

undocumented versus documented thefts. With undocumented objects, you probably end up with a circumstantial case, indirect proof. With documented property, there will be direct evidence, like a theft report. So, for a stolen piece, think of something from a museum. For looted items, think of Iraq and Syria with all the holes in the ground. Some prosecutors prefer documented objects; others love undocumented items. I think that any good prosecutor can deal with circumstantial evidence. It's just as good as direct evidence.

We have helped recover many different types of cultural property, including ancient jewelry, manuscripts, and fossils **(FIGS. 2-4).** All of it is important.

In the last few years, Homeland Security Investigations (HSI) in New York has changed the way it does cultural property investigations — different tactics and methods. When I started about 10 years ago, we would seize the pieces, forfeit them, and repatriate them. Now, we are trying to change the culture of looting. We are actually targeting the transnational criminal organizations behind the looting and trafficking. We are trying to take out the bad guys who are responsible.

HSI was created from the legacy U.S. Customs Service, so we are responsible for investigating a wide range of domestic and international activities arising from the illegal movement of people and goods into, within, and out of the United States. We investigate every type of crime that you can imagine. We have been moving into crimes against minors, immigration crime, and so forth, but we definitely still focus on cultural property inves-



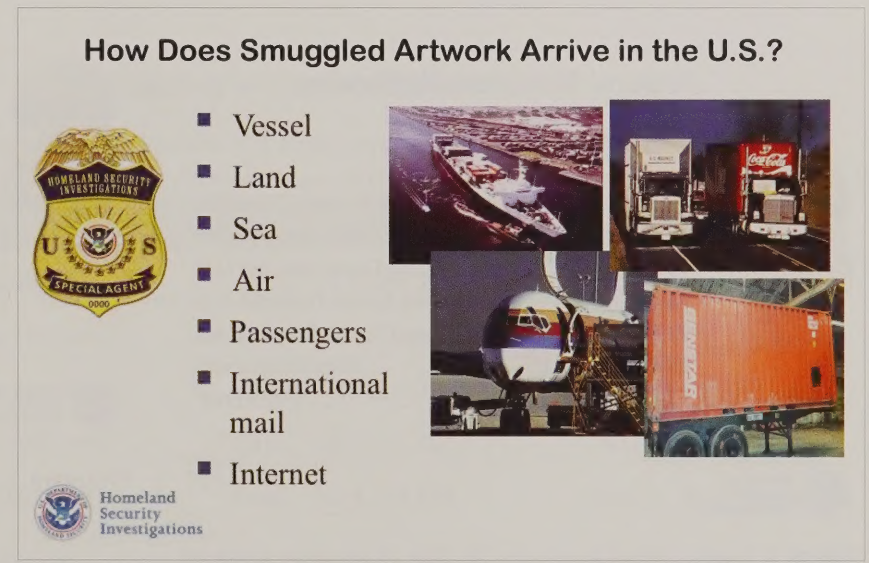
- 67 Offices
- 48 Countries
- ~ 150 HQ Staff
- ~ 390 Overseas Staff
  - (including 132 Locally engaged Staff)

NORTH AMERICA
EUROPE
ASIA
MIDDLE EAST
AFRICA
SOUTH AMERICA
Homeland Security Investigations

FIGURE 5. The international reach of Homeland Security Investigations.

tigations. Our large international footprint **(FIG. 5)** allows us to focus on cultural property crimes. It is very easy to transport cultural items across international and domestic borders. People have told us that when they're smuggling numismatic material, for example, they just mix it with a handful of international coins and walk right across the border. Usually, they smuggle to avoid having to pay taxes at some point, but it could also be for other reasons.

U.S. Customs and Border Protection (CBP) and HSI have a lot to look at. More than 7 million containers enter the U.S. annually, and more than 60 million people legally visit the U.S. annually. You need to have great international partnerships and develop sources and networks. You have to know from the inside who is going to be doing what and when; otherwise, how will you know when to tap a container, when to pull somebody over? We have been lucky enough to develop those sources and networks over the past decade or so. Objects can enter in many ways **(FIG. 6)**. You name it. A painting can be rolled up inside of a newspaper. We have pretty much seen it all.



How Does Smuggled Artwork Arrive in the U.S.?

- Vessel
- Land
- Sea
- Air
- Passengers
- International mail
- Internet

HOMELAND SECURITY INVESTIGATIONS
U S
SPECIAL AGENT
Homeland Security Investigations

FIGURE 6. Methods by which art is smuggled into the U.S.

RELEVANT LAWS

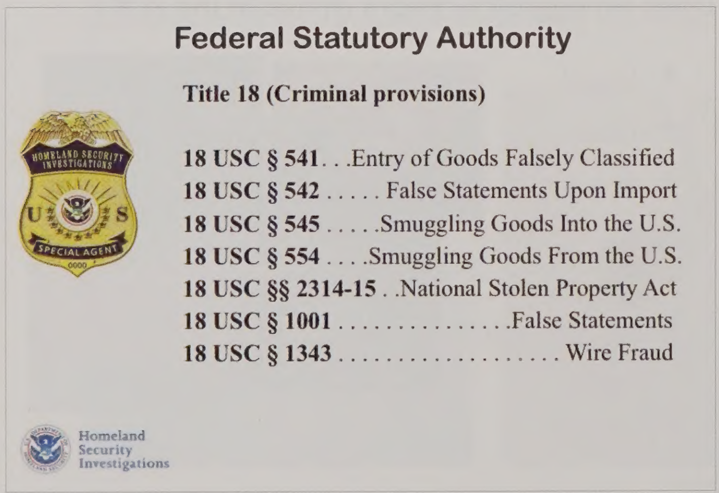
I was asked to discuss laws that apply to cultural property looting **(FIG. 7)**. As I mentioned, we were legacy Customs before 9/11. In 2003, when the Department of Homeland Security was created, it also created U.S. Immigration and Customs Enforcement's (ICE)'s Homeland Security Investigations (HSI). Customs law is still one of the main legal tools that we utilize to enforce our investigations. The offenses include smuggling – smuggling in, smuggling out; false statements on the importation forms; violations of the National Stolen Property Act; and wire fraud. Money laundering — knowingly conducting "financial transactions" with the proceeds of specified unlawful activity— is a key component of many of our investigations.

You don't just have to go after stolen property federally. Local stolen property laws can also be used with a local prosecutor. You have to prove the item is stolen, which can be complicated when dealing with undocumented items. As already noted, it becomes a circumstantial case. You also have to prove what somebody is thinking, which can be difficult as well. You have to prove knowledge, that the person knew the piece he was dealing in was stolen. One of the easiest ways to do that is through undercover work.

Customs violations are our bread and butter. The maximum sentence for smuggling cultural property is 20 years; whereas the maximum penalty for stolen property, for importing a stolen sarcophagus, for example, is 10 years. So, sometimes we may be better off using the smuggling statutes. Also, sometimes it might be better to use local prosecutors because they potentially have 20 or 25-year sentences for stolen property.

Some of the statutory authority for forfeitures and seizures comes under Title 19 of the U.S. Code – old Custom's law **(FIG. 8)**. Our legal toolbox also includes the 1970 UNESCO Convention and the bilateral agreements that come out of that, under the U.S. Cultural Property Implementation Act (CPIA) of 1983. It is very good for civil cases and for forfeitures and repatriations, but as I said, that is not where we're trying to go now. We have many partners helping us protect cultural property **(FIG. 9)**.

Why is HSI specifically interested in focusing on cultural property protection and enforcement? In 2014, the global sales — the legal trade — of art and antiquities was estimated at about $54 billion.[1] The amount for the illicit trade is variously stated, but



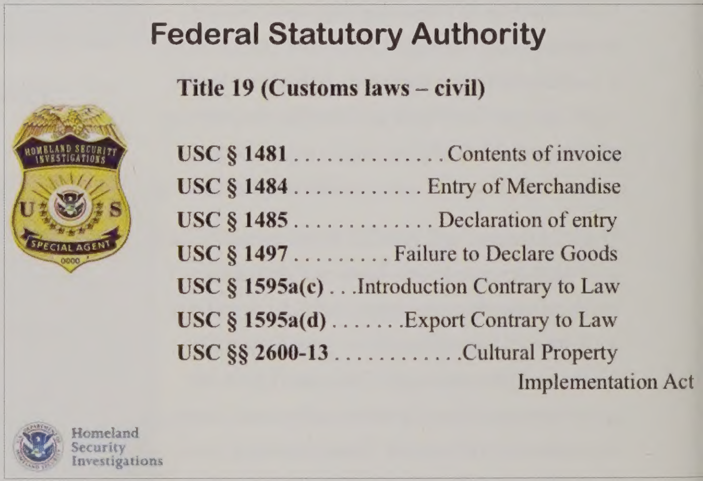
Federal Statutory Authority

Title 18 (Criminal provisions)

18 USC § 541	Entry of Goods Falsely Classified
18 USC § 542	False Statements Upon Import
18 USC § 545	Smuggling Goods Into the U.S.
18 USC § 554	Smuggling Goods From the U.S.
18 USC §§ 2314-15	National Stolen Property Act
18 USC § 1001	False Statements
18 USC § 1343	Wire Fraud

Homeland Security Investigations

FIGURE 7. Federal criminal laws under USC Title 18 that apply to cultural property looting.



Federal Statutory Authority

Title 19 (Customs laws – civil)

USC § 1481	Contents of invoice
USC § 1484	Entry of Merchandise
USC § 1485	Declaration of entry
USC § 1497	Failure to Declare Goods
USC § 1595a(c)	Introduction Contrary to Law
USC § 1595a(d)	Export Contrary to Law
USC §§ 2600-13	Cultural Property Implementation Act

Homeland Security Investigations

FIGURE 8. Customs laws (civil) under USC Title 18 that are used by HSI.

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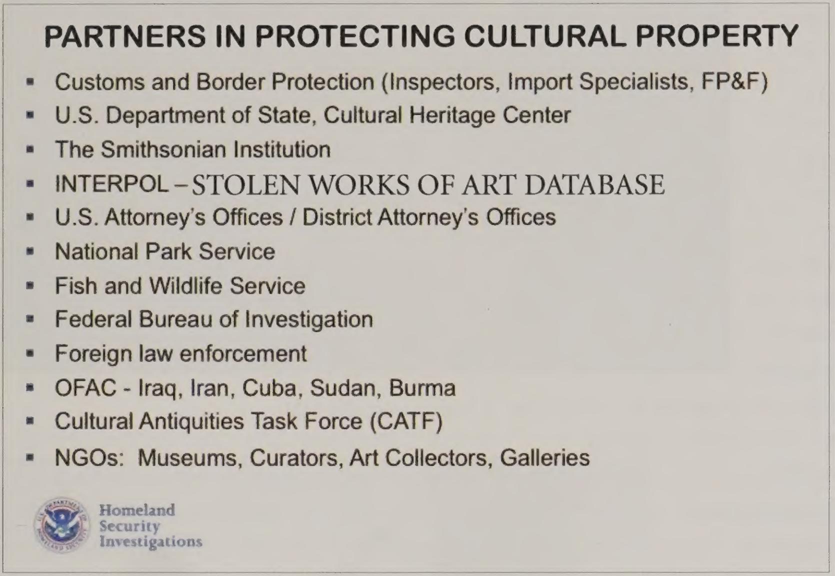
[1] See Clare McAndrew, *The TEFAF Art Market 2015*, March 2015, which gave the figure of just over €51 billion for the 2014 global art market.



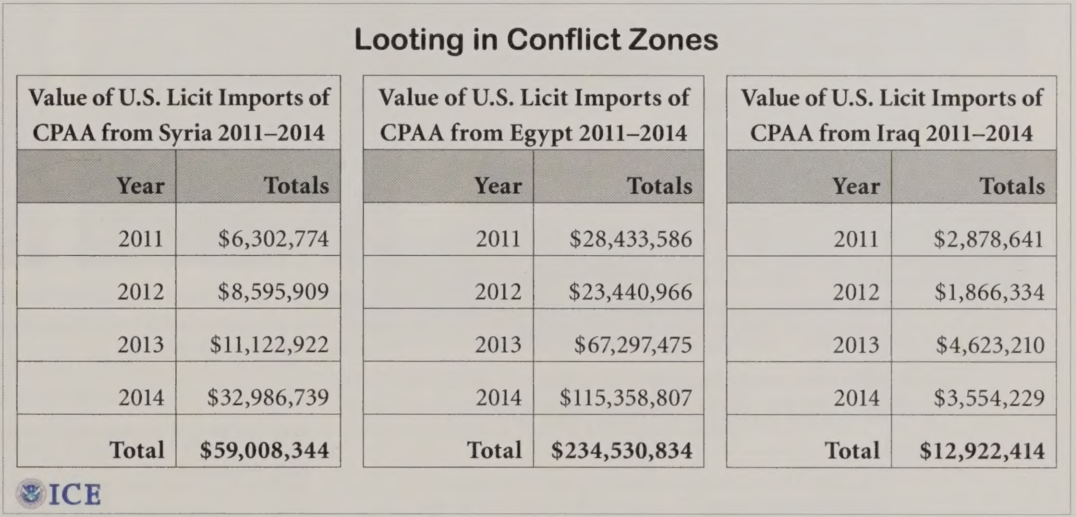
PARTNERS IN PROTECTING CULTURAL PROPERTY

- Customs and Border Protection (Inspectors, Import Specialists, FP&F)
- U.S. Department of State, Cultural Heritage Center
- The Smithsonian Institution
- INTERPOL – STOLEN WORKS OF ART DATABASE
- U.S. Attorney's Offices / District Attorney's Offices
- National Park Service
- Fish and Wildlife Service
- Federal Bureau of Investigation
- Foreign law enforcement
- OFAC - Iraq, Iran, Cuba, Sudan, Burma
- Cultural Antiquities Task Force (CATF)
- NGOs: Museums, Curators, Art Collectors, Galleries

FIGURE 9. HSI partner organizations.

it is said to rank fourth, behind weapons, narcotics and human smuggling. It was previously third. The change is likely due to the increased number of conflicts. People flee conflict zones. They leave along footpaths, and then antiquities trafficking goes in the same direction. One of the ways that we've followed the antiquities traffic is simply by following the human smuggling paths. The United Nations has definitely stated that terrorism, looting and smuggling now go hand in hand.

ISIL, Al-Qaeda, and others are generating income from direct and indirect looting and smuggling of cultural heritage. I pulled some numbers together **(FIG. 10)** showing the value of U.S. licit imports for Syria, Egypt, and Iraq, 2011-2014. In 2011 there was about $6 million in Syrian imports. In 2014 there was a jump to about $33 million. Iraq in 2011 was almost $3 million, but there was not a huge jump in 2014. There was, however, a big jump for Egypt, which went from about $28.5 million in 2011 to about $115 million in 2014. Think about why that happened. I can't say for certain, but perhaps the Arab Spring had an impact. What I have seen in my career is that objects go missing for a little while, and once things cool down in a conflict area, it's easier to move them. Perhaps when control of the Egyptian archaeological sites loosened, the objects were sat on for a while. Now they're starting to come out. You're probably going to see the numbers in Syria grow, too, and maybe also in Iraq.



Looting in Conflict Zones

Value of U.S. Licit Imports of CPAA from Syria 2011–2014	
Year	Totals
2011	$6,302,774
2012	$8,595,909
2013	$11,122,922
2014	$32,986,739
Total	$59,008,344

Value of U.S. Licit Imports of CPAA from Egypt 2011–2014	
Year	Totals
2011	$28,433,586
2012	$23,440,966
2013	$67,297,475
2014	$115,358,807
Total	$234,530,834

Value of U.S. Licit Imports of CPAA from Iraq 2011–2014	
Year	Totals
2011	$2,878,641
2012	$1,866,334
2013	$4,623,210
2014	$3,554,229
Total	$12,922,414

FIGURE 10. U.S. licit imports from conflict zones.

Homeland Security is not just focusing on the conflict zones in Iraq or Syria. We are focusing on illicit cultural property coming out of all conflict

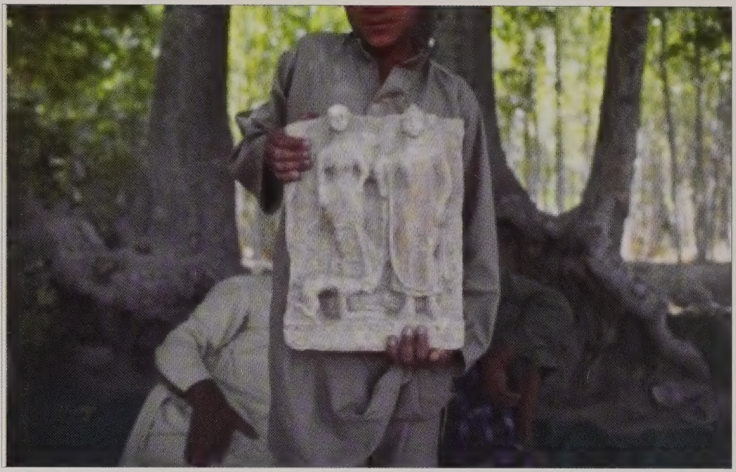


FIGURE 11. Child looter in Afghanistan. Ph: HSI.

FIGURE 12. Money from conflict zone smuggling buys metal detectors. Ph: HSI.

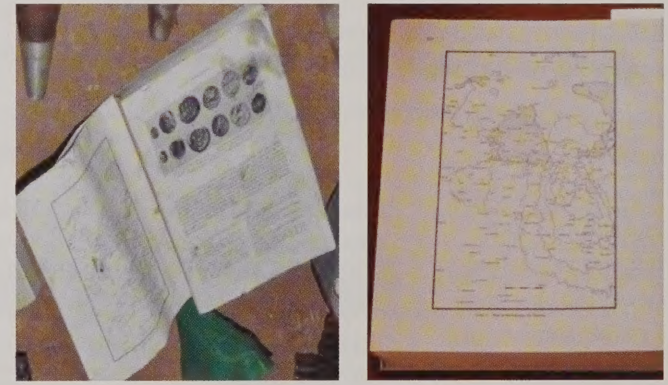


FIGURE 13. Numismatic publication taken from ISIS showing Persian and Phoenician coins **(left)** and a map of archaeological sites in Hawran, Syria **(right)**. Ph: HSI.

zones, Pakistan and Afghanistan as well **(FIG. 11)**. Afghanistan, in fact, is a major focus for us. In 2004 General Sultan Mohammad of the Afghan Interior Ministry said that the problem there was "not only drugs. We're talking about arms smuggling, artifacts, looted goods."[2] In 2001, Mohammed Atta, one of the 9/11 terrorists, was trying to figure out where he could sell ancient artifacts so that he could buy an airplane.[3] According to U.S. Intelligence officials, ISIS' cash flow derives not only from oil and minerals, but from antiquities taken from excavation sites.

HSI is monitoring the looting situation in Iraq by actively creating a database of our own. We constantly review tens of thousands of images of looted artifacts. And we have wonderful sources and brokers that we deal with when infiltrating the transnational criminal organizations involved in this crime. We have actually been offered pieces shortly after they've come out of archaeological sites.

By getting inside these organizations, we have seen that the money is definitely coming out and sometimes reaches other places, like the United States. In some instances, illicit cultural property was traded for U.S.-based technology, like night vision goggles, rifle scopes, or metal detectors **(FIG. 12)**, and then sent back to conflict areas. We have lots of correspondence saying, "Wow, we found this hoard today while we were making the hole bigger!" Or, "We found this one at the site where we were digging with a shovel, and we dinged a couple of them. Here look, see, we've got to get this fixed." It's pretty in your face and blatant.

In June 2015, some numismatic publications were taken from ISIS **(FIG. 13)**. They focused on Persian

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[2] As quoted in T. Christian Miller, "Post-Invasion Chaos Blamed for Drug Surge," *The Los Angeles Times*, Oct 4, 2004.

[3] See "Ermittler: Kunst als Terrorfinanzierung?" *Der Spiegel*, July 18, 2005.

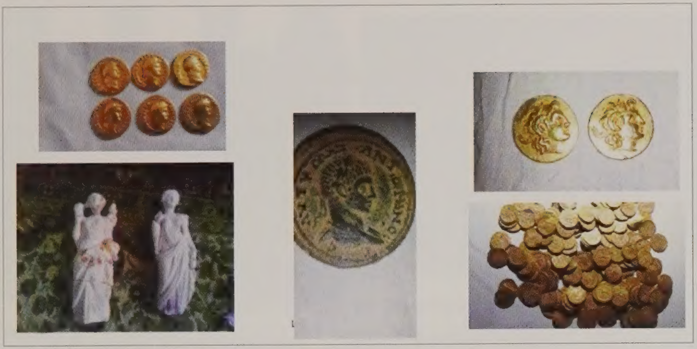


FIGURE 14. Looted Islamic, Byzantine, Greek and Roman coins from DAESH that were smuggled to Turkey. Ph: HSI.

and Phoenician coins and contained a map of archaeological sites at Hawran, in southwestern Syria. We have seen many numismatic pieces being offered **(FIG. 14)**. As has been said, there is a lot of gold, and some of the correspondence says that it's from DAESH. That's enough to keep us going.

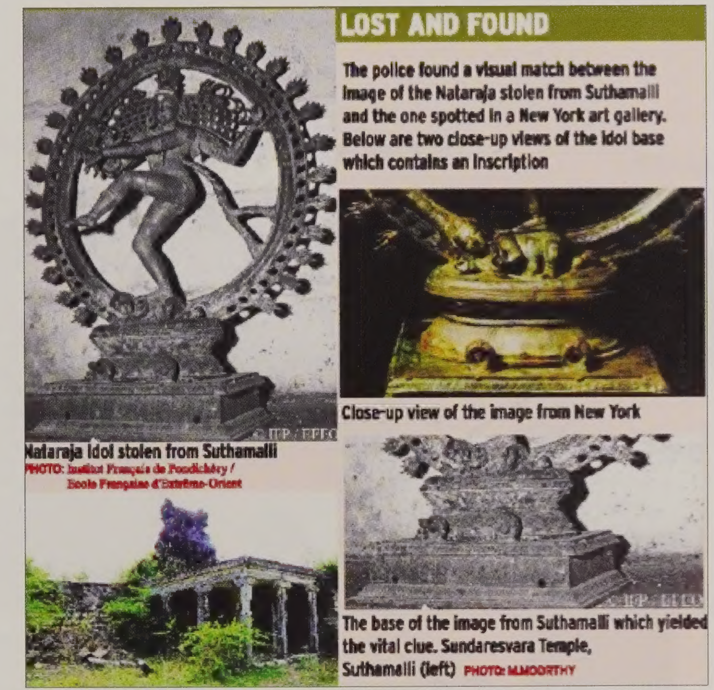
OPERATION HIDDEN IDOL

One person who has been saying that terrorism and cultural property have been linked with certainty since at least 2003, when he started to orchestrate the return of pieces looted from the Baghdad Museum, is Colonel Matthew Bogdanos, who is now an Assistant District Attorney at the Manhattan DA's office. He is a wonderful asset in the war against the smuggling of cultural property and our partner and the chief prosecutor on Operation Hidden Idol **(FIG. 15)**. This is an ongoing investigation, so I cannot say anything that's not already public, but there are a few things about this case that I want to emphasize. First, it shows the value that some cultures and people place on the artifacts being stolen from them. The religious idols embody gods. People worship them. The only other things in my career that I've seen spur such emotional attachment are human remains and Nazi war loot. People are devastated when the idols go missing. I'm sure that it is also like that for other cultures that I haven't had the opportunity to deal with directly.

Operation Hidden Idol also shows that there are other conflict zones beyond Iraq and Syria, such as India, experiencing opportunistic and systematic looting, all different types of looting.

> "As has been said, there is a lot of gold, and some of the correspondence says that it's from DAESH. That's enough to keep us going."

The third point relates to the financial aspect of these cases. We are talking about a lot of money, and even if the looters or the organizations like ISIL are getting only 10 percent, when you're speaking about a case that involves well over $100 million, you're talking about a lot of money going back to bad guys. That's not good. In this case, Operation Hidden Idol, what's been described as the "largest antiquities seizure in American history,"[4] an antiquities dealer, Subhash Kapoor, is alleged to have smuggled



LOST AND FOUND

The police found a visual match between the image of the Nataraja stolen from Suthamalli and the one spotted in a New York art gallery. Below are two close-up views of the idol base which contains an inscription

Nataraja idol stolen from Suthamalli
PHOTO: Institut Français de Pondichéry / Ecole Française d'Extrême-Orient

Close-up view of the image from New York

The base of the image from Suthamalli which yielded the vital clue. Sundaresvara Temple, Suthamalli (left) PHOTO: M.MOORTHY

FIGURE 15. Bronze Nataraja idol (Chola Period, 860-1279) stolen from Sundaresvara Temple, Suthamalli, India and recovered by ICE in November 2015 as part of Operation Hidden Idol.

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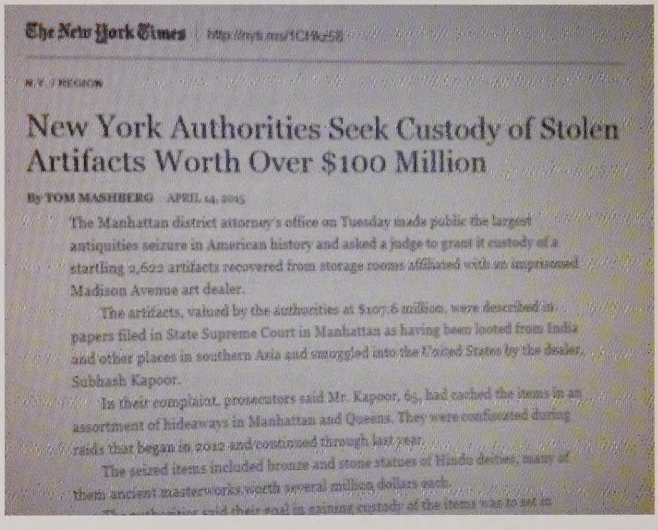
[4] Tom Mashberg, "New York Authorities Seek Custody of Stolen Artifacts Worth Over $100 Million," *The New York Times*, April 14, 2015.

more than 2,000 artifacts that were looted in India and other areas in southern Asia **(FIG. 16).**



The New York Times | http://nyti.ms/1CHkz58

N.Y. / REGION

New York Authorities Seek Custody of Stolen Artifacts Worth Over $100 Million

By TOM MASHBERG APRIL 14, 2015

The Manhattan district attorney's office on Tuesday made public the largest antiquities seizure in American history and asked a judge to grant it custody of a startling 2,622 artifacts recovered from storage rooms affiliated with an imprisoned Madison Avenue art dealer.

The artifacts, valued by the authorities at $107.6 million, were described in papers filed in State Supreme Court in Manhattan as having been looted from India and other places in southern Asia and smuggled into the United States by the dealer, Subhash Kapoor.

In their complaint, prosecutors said Mr. Kapoor, 65, had cached the items in an assortment of hideaways in Manhattan and Queens. They were confiscated during raids that began in 2012 and continued through last year.

The seized items included bronze and stone statues of Hindu deities, many of them ancient masterworks worth several million dollars each.

The authorities said their goal in gaining custody of the items was to set in

FIGURE 16. Article in *The New York Times,* April 14, 2015, about Operation Hidden Idol.

OPERATION LOST TREASURE

I want to turn to two examples of HSI successes in infiltrating transnational criminal organizations dealing with material from the conflict regions we are discussing. Operation Lost Treasure refers to a network identified in 2008 that was dealing in illicit cultural property from this region. With transnational criminal organizations, there is a source country, the transshipment country, and the destination country. These networks are very connected. The same people were dealing in Iraqi antiquities, Egyptian antiquities, Libyan antiquities, Afghani antiquities, and also antiquities from The Netherlands. Here's how that network played out. The transshipment city/country was Dubai, London, Ireland (Cork), and the destinations were London and New York.

In this case, we ended up with one criminal arrest and one prosecution, but multiple seizures and some repatriations — to Iraq and Afghanistan. The artifacts involved actual museum thefts (e.g., Amsterdam), with documented evidence, as well as undocumented, looted pieces (e.g., from Afghanistan) **(FIG. 17).** So people in Europe were dealing with the criminal organization that was dealing with people stealing stuff out of Afghanistan, smuggling stuff out of Egypt, and getting things like a *lamassu* out of Iraq. They couldn't move the whole *lamassu*, but they moved the head. The same group took terracotta plaques out of Iraq. The *lamassu* head of Sargon was repatriated to Iraq in spring 2015 for the reopening of the museum **(FIG. 18).**

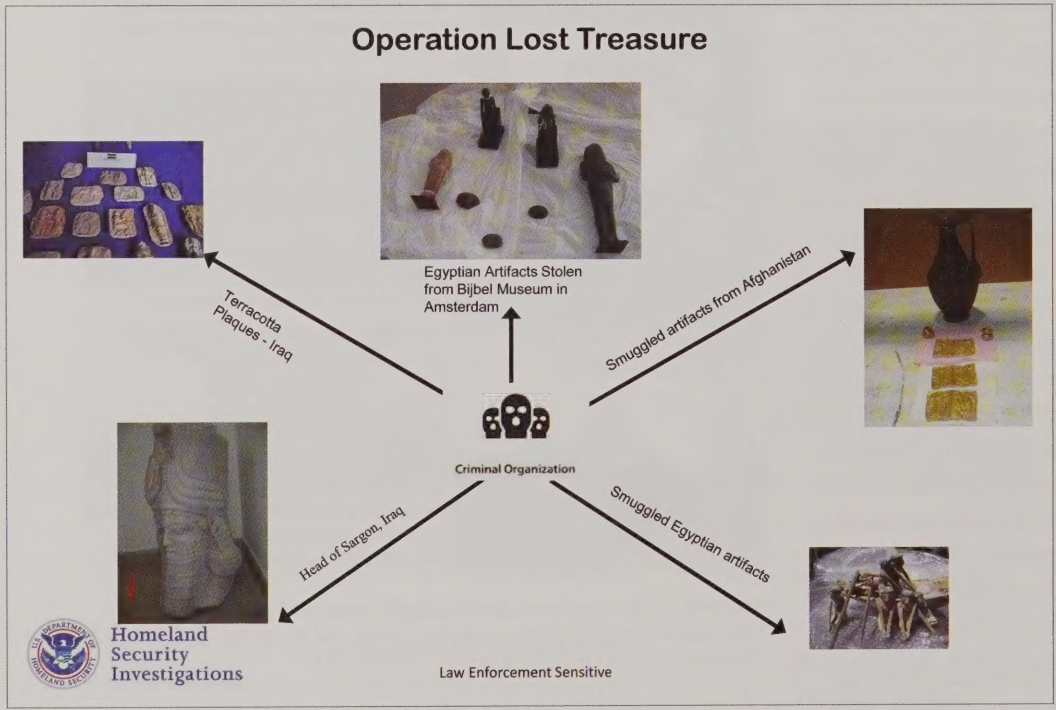

Operation Lost Treasure
Terracotta Plaques - Iraq
Egyptian Artifacts Stolen from Bijbel Museum in Amsterdam
Smuggled artifacts from Afghanistan
Criminal Organization
Head of Sargon, Iraq
Smuggled Egyptian artifacts
Homeland Security Investigations
Law Enforcement Sensitive

FIGURE 17. International movement of artifacts factoring in Operation Lost Treasure. Ph: HSI.

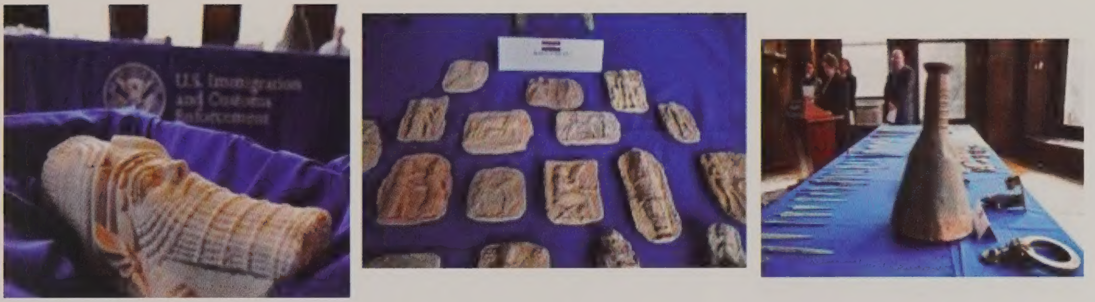


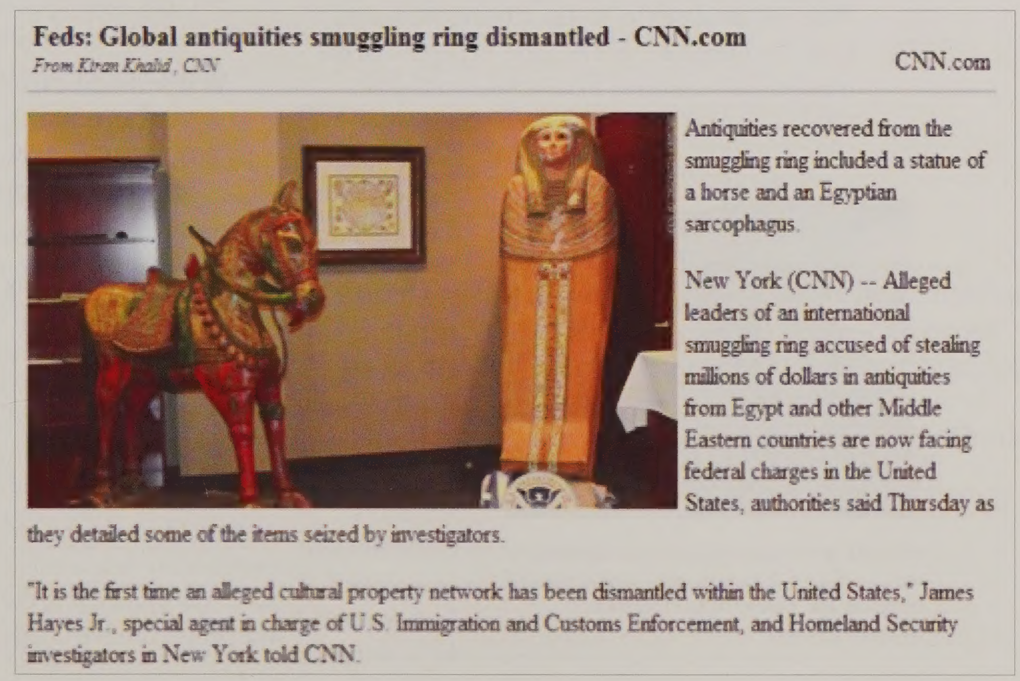
FIGURE 18. Objects recovered in Operation Lost Treasure, including a limestone head of Sargon II **(left)** and 21 clay reliefs **(center),** that were repatriated by ICE to Iraq in April 2015. Ph: HSI.

OPERATION MUMMY'S CURSE

Operation Lost Treasure allowed us to identify a network dealing in illicit cultural property, the direct ties between the various individuals, and the very diverse threads between the well-developed countries and some of the conflict zone areas. It showed us how the networks played together; the people we could tap; and that we could start focusing on bigger cases, like Operation Mummy's Curse, which had three arrests, two convictions, and another fugitive that we're still going after **(FIG. 19).** Operation Mummy's Curse was also one of the first examples where we could levy money laundering charges.

With illicit cultural property smuggling, there is a horrific risk-reward scenario. There is very low risk for the criminals, but very high reward. Earlier, I discussed penalties and sentences, but I should have indicated that nobody is going to get the 20 to 25-year sentence. The sentences that I see doled out are usually slaps on the wrist, but when you start taking away somebody's money and assets, besides just the illicit cultural property, then they start to care a little bit more. So, hopefully, the risk-reward scenario will change. In this network we identified the source countries as Jordan, Syria, Egypt, Iraq, Yemen, Libya, and Italy. Transshipment countries and cities stayed pretty consistent, as did the destinations.

Operation Mummy's Curse started in May of 2003, when an ancient sculpted head from Isin, in Iraq,



Feds: Global antiquities smuggling ring dismantled - CNN.com

From Kiran Khalid, CNN

CNN.com

Antiquities recovered from the smuggling ring included a statue of a horse and an Egyptian sarcophagus.

New York (CNN) -- Alleged leaders of an international smuggling ring accused of stealing millions of dollars in antiquities from Egypt and other Middle Eastern countries are now facing federal charges in the United States, authorities said Thursday as they detailed some of the items seized by investigators.

"It is the first time an alleged cultural property network has been dismantled within the United States," James Hayes Jr., special agent in charge of U.S. Immigration and Customs Enforcement, and Homeland Security investigators in New York told CNN.

FIGURE 19. CNN.com article, July 15, 2011, about Operation Mummy's Curse showing two recovered items – the statue of a horse and an Egyptian sarcophagus.

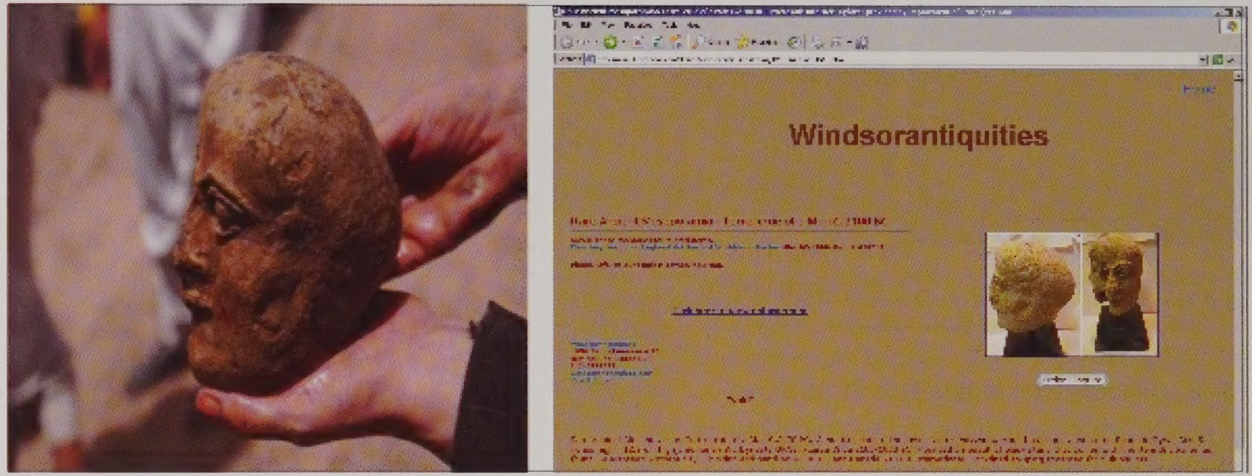


FIGURE 20. Operation Mummy's Curse: A terre crue ancient *Head of Isin,* reported looted from Iraq in 2003 **(left),** appeared on the Windsor Antiquities website in 2008 **(right).** Ph: HSI.

was published in the *New York Times* in an article on Iraqi looting.[5] In 2008, one of our sources identified that the head was being sold on a website run by Windsor Antiquities in New York **(FIG. 20).** We began an investigation and started looking at other importations by Mousa Khouli, Windsor's head. We identified that roughly 75 percent of the importations appeared to have been smuggled. Then we started to work backwards and forwards to see what else we could figure out beyond this one illicit Iraqi piece. Lo and behold, we ended up with a monstrous case called Mummy's Curse and lots of smuggled Egyptian artifacts, along with objects from other countries. It was pretty amazing. One snippet of correspondence from April 2009 stood out: "I got the first half of the inner coffin. The second half is on the way. Should I send it to you or should I wait for the second half?" **(FIG. 21)**

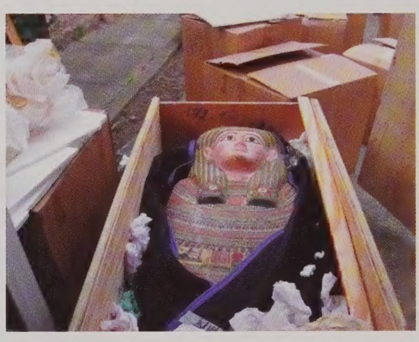


FIGURE 21. A sarcophagus of an Egyptian woman (Greco-Roman period) was smuggled in pieces and recovered in Operation Mummy's Curse.

> "With illicit cultural property smuggling, there is a horrific risk-reward scenario. There is very low risk for the criminals, but very high reward."

The culprits were cutting Egyptian coffins (sarcophagi) and smuggling them, some via U.S. mail. They cut them in order to send them more easily without detection. They also smuggled them inside shipping containers. We're talking about multiple coffins, not just one or two. The smuggling routes were not the most direct. A lot of the objects made stops both inside and outside the U.S. before they ended up at their ultimate destinations or were sold. The money, too, did not always go directly to the people involved. There were a lot of steps.

I mentioned that the sarcophagi were smuggled in a container. You can't see an Egyptian sarcophagus in a container, even with an x-ray. If you don't know that it is coming in that container, you're never

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[5] Edmund L. Andrews,"Iraqi Looters Tearing Up Archaeological Sites," *The New York Times,* May 23, 2003.

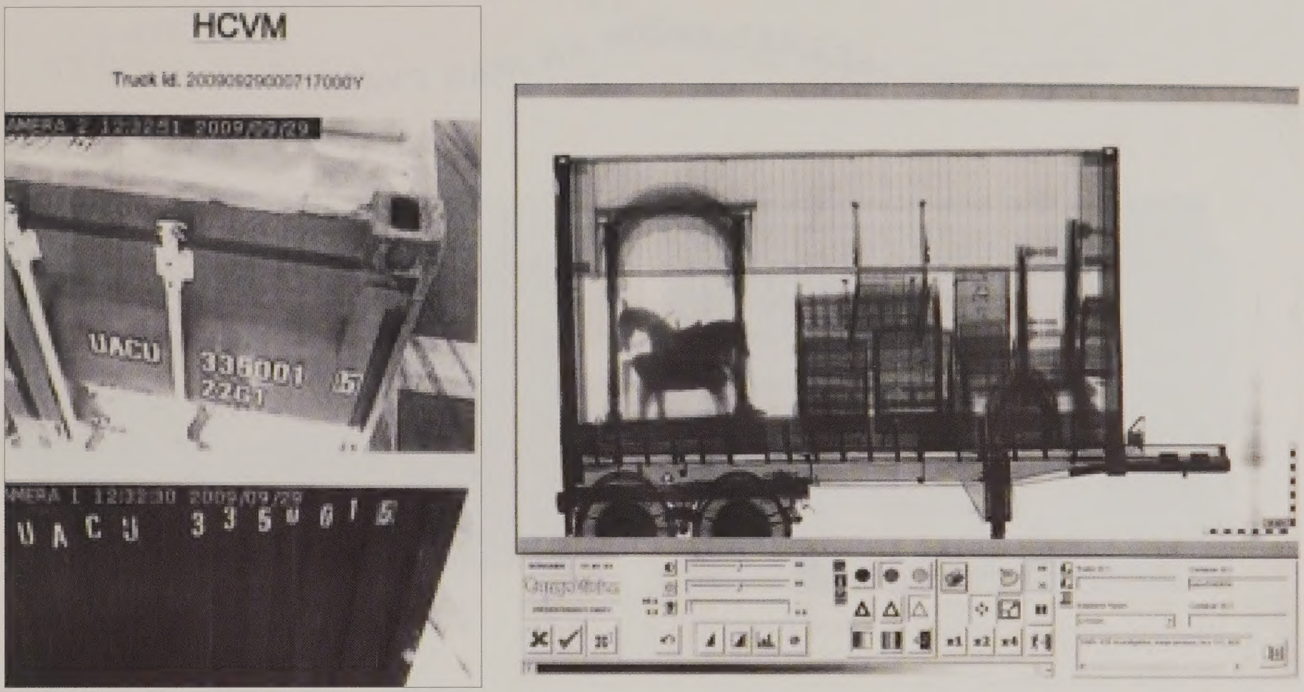


FIGURE 22. Shipping container **(left)** in which an Egyptian sarcophagus was smuggled into the U.S. hidden under furniture and other objects **(right)**. Part of Operation Mummy's Curse. Ph: HSI.

going to get it. Luckily, we have our sources, so we knew to look inside the container **(FIG. 22)**. The sarcophagus is on the bottom, shoved underneath all the furniture. We filed charges of smuggling Egyptian antiquities.

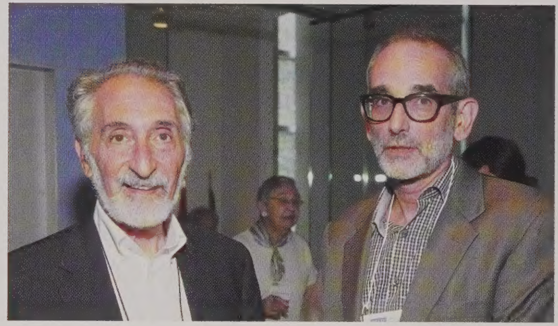
So we are progressing in the way that we are handling these types of investigations. Our priorities have evolved. We are no longer focused on just the artifacts, their forfeiture and ultimate repatriation. We are identifying the pathways by which the illicit cultural property is traveling internationally and entering the U.S. We are identifying the players in the organizations and the methods that they use to smuggle. Our current goal is to dismantle the transnational criminal organizations and to link cultural property smuggling networks to other organized criminal enterprises. We are learning and adapting from our previous cases and methods and building upon our successes. In the last 10 years, our agency has tripled what it has been doing. HSI has repatriated 7,800 artifacts. In the past three years alone, HSI in New York has seized over 2,500 artifacts, worth about a quarter billion dollars. By utilizing our knowledge of the networks built from operations like Mummy's Curse, we have been able to achieve even greater results in subsequent cases. We now utilize money-laundering charges and have identified that shipments can sometimes move in directions completely counter-intuitive to their final destination.

> "Our current goal is to dismantle the transnational criminal organizations and to link cultural property smuggling networks to other organized criminal enterprises. We are learning and adapting from our previous cases and methods and building upon our successes."

By developing new knowledge, pursuing aggressive legal tools, and by cultivating our relationships with experts and sources, as well as by working with our foreign attaché offices and law enforcement partners abroad, we will continue to break down these networks and combat cultural property crime.

• • •

SCENES FROM AN IFAR EVENING


Emmanuel Lemakis (left) and Edward Bleiberg.

Carole Newhouse and Michael R. Cohn.

Barbara Jaffe.

Left to right: Susan Cooke, Vivian Ebersman, and Bonnie Burnham.

Nancy Schwartz and Stephen Cadwalader.

Michael McCullough and Sharon Flescher, IFAR's Executive Director.

Credit for these photos and all other images of speakers and guests at this program: Steven Tucker.

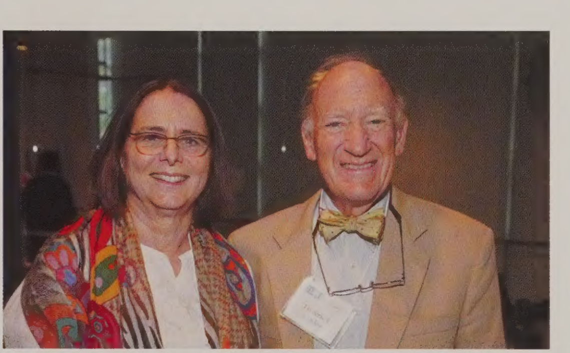
Leila Amineddoleh (left) and Yelena Ambartsumian.

Michael D. Danti (left) and Ricardo de Guimarães Pinto.

Amr Al-Azm and Shereen Ghandour.

Left to right: Debra Bates, Anthony Williams, IFAR's Chairman, and Natalia Tchetchoulina.

Left to right: Richard L. Zettler, Sidney Babcock, and Jose Romeu.



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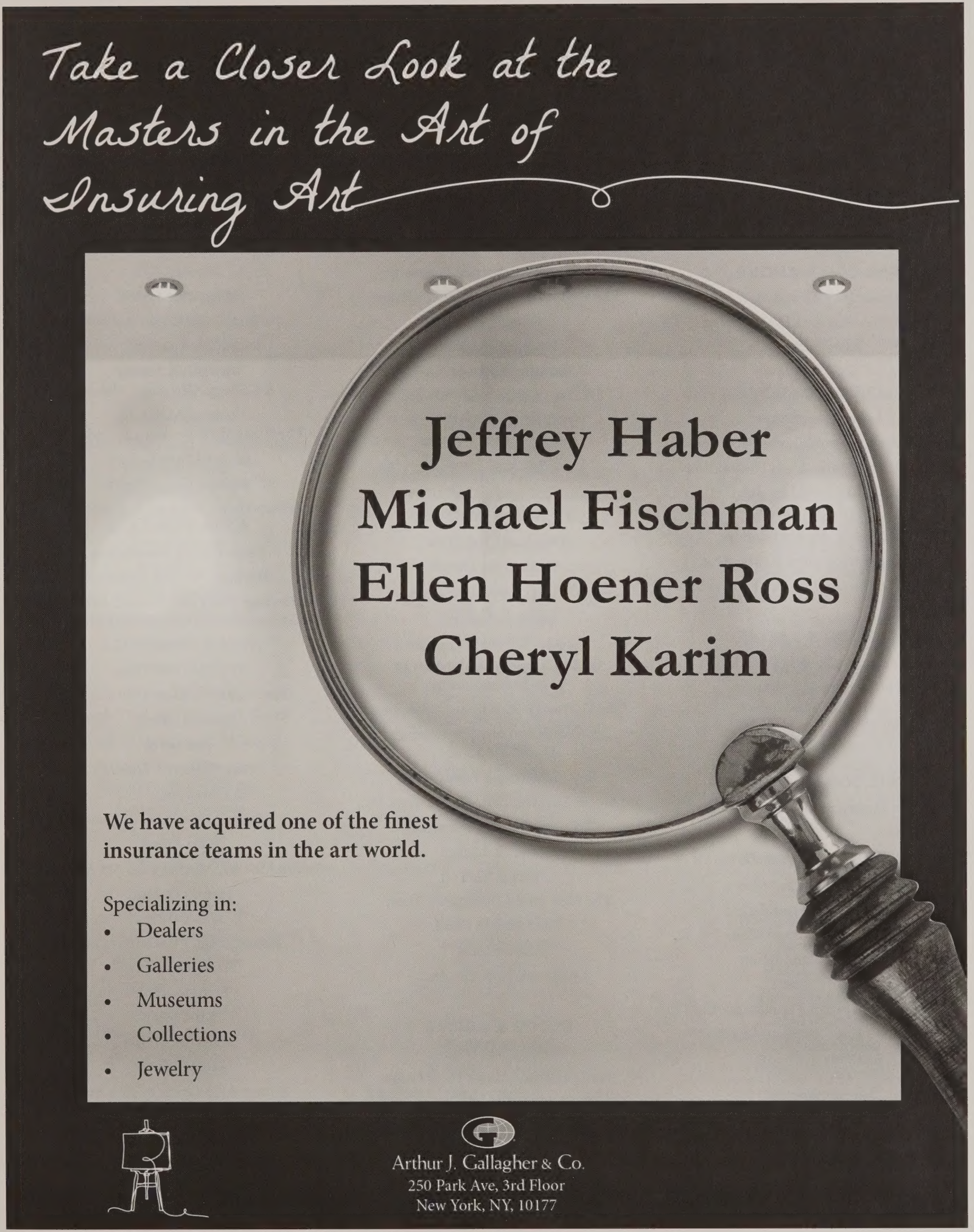

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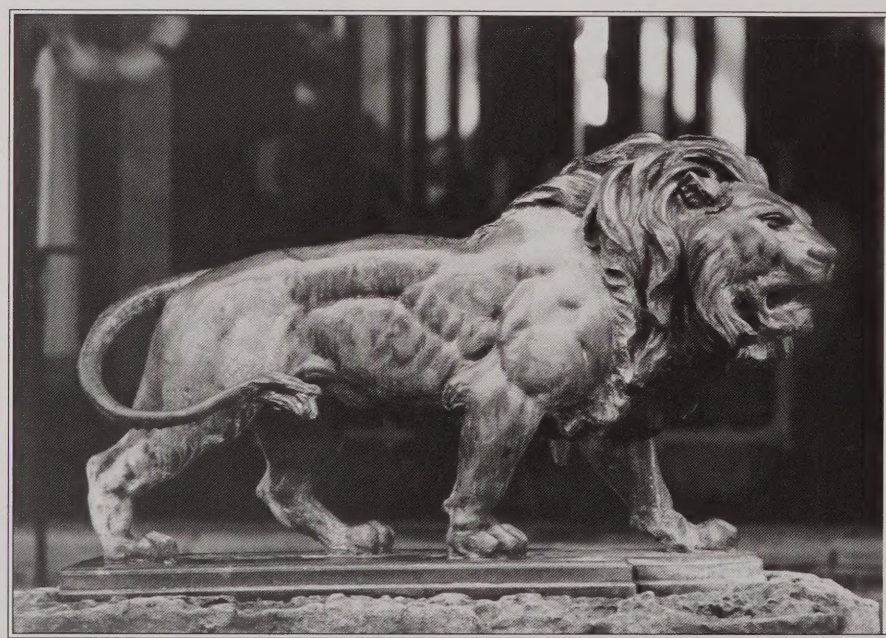

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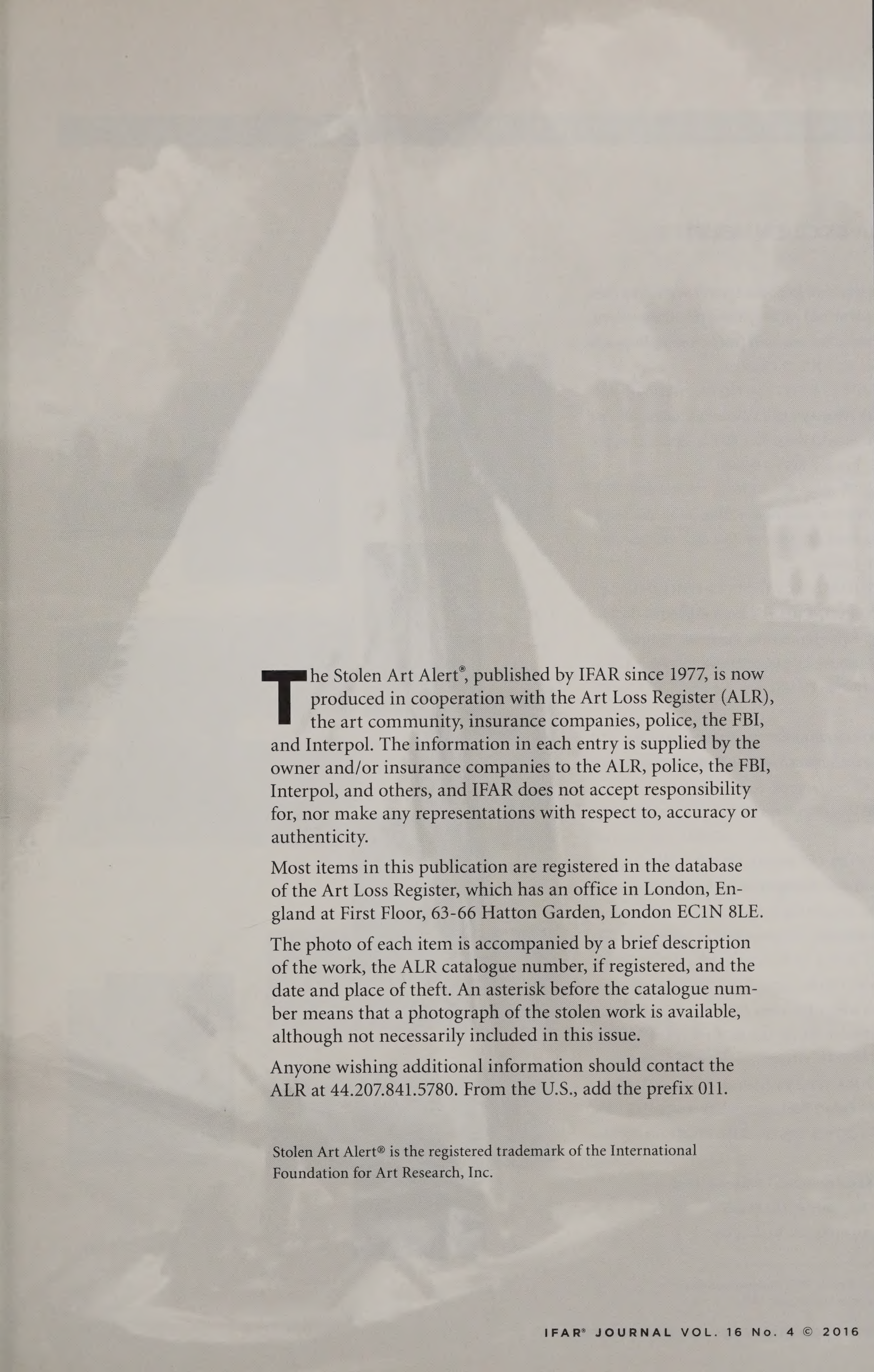

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Most items in this publication are registered in the database of the Art Loss Register, which has an office in London, England at First Floor, 63-66 Hatton Garden, London EC1N 8LE.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

Anyone wishing additional information should contact the ALR at 44.207.841.5780. From the U.S., add the prefix 011.

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STOLEN ART*

The following seventeen paintings were stolen by three men during an armed robbery from the Museo Civico in Castelvecchio, Verona, Italy just before closing time on November 19, 2015. *L15.1305:

159. **HANS DE JODE** (Dutch, 1630-after 1662). ***Landscape.*** Oil on canvas. 70 x 99 cm (approx. 27 ½″ x 39″). Inv. no. 6275-1B0685.

160. **HANS DE JODE.** ***Sea Port.*** Oil on canvas. 70 x 99 cm (approx. 27 ½″ x 39″). Inv. no. 6273-1B0680.

161. **JACOPO BELLINI** (Italian, born c. 1400 – died c. 1470). ***Saint Jerome the Penitent.*** Tempera on panel. 95 x 65 cm (approx. 37 ½″ x 25 ½″). Inv. no. 876-1B0306.

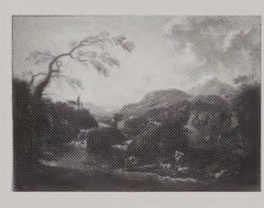
162. **GIAN LORENZO BERNINI** (Italian, 1598-1680). ***Portrait of Girolamo Pompei.*** Oil on canvas. 85 x 63 cm (approx. 33 ½″ x 24 ¾″). Inv. no. 45793-1B4017.

163. **GIOVANNI FRANCESCO CAROTO** (Italian, 1480-1555). ***Portrait of a Young Monaco Benedictine.*** Oil on canvas. 43 x 33 cm (approx. 17″ x 13″). Inv. no. 1407-1B0142.

164. **GIOVANNI FRANCESCO CAROTO.** ***Portrait of a Young Man with Children's Drawing.*** Oil on panel 37 x 29 cm (approx. 14 ½″ x 11 ⅜″).

165. **ANDREA MANTEGNA** (Italian, 1431-1506). ***Holy Family with a Saint.*** Tempera on canvas. 76 x 55.5 cm (approx. 30″ x 21 ¾″). Inv. no. 855-1B0087.

166. **PISANELLO (ANTONIO PISANO)** (Italian, 1345-1455). ***Our Lady of the Quail.*** See color photo on inside back cover.



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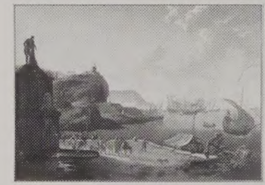

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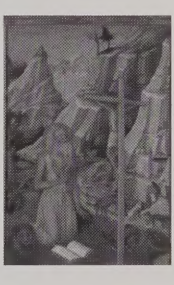

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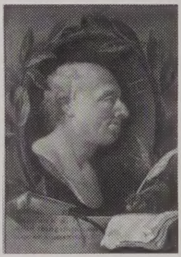

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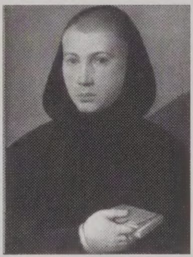

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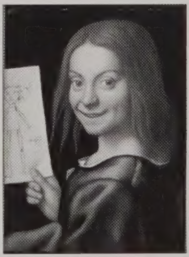

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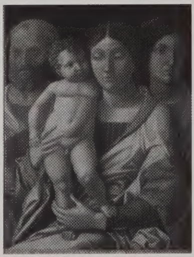

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[*] Numbering for the year 2015 Cumulative Index of Stolen Art began with Vol. 16, nos. 1&2.

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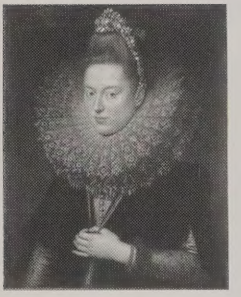

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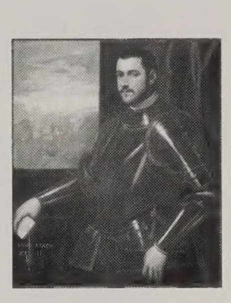

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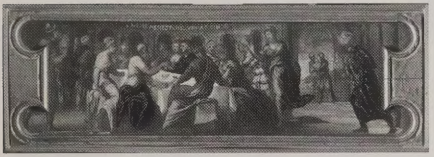

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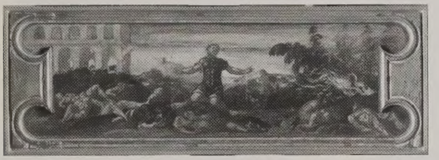

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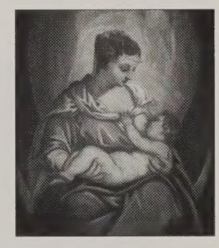

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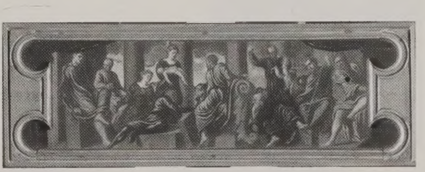

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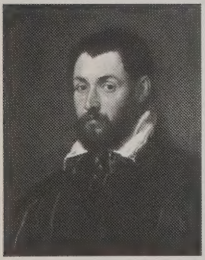

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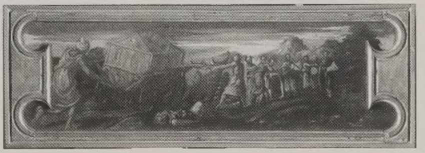


175

167. **DOMENICO TINTORETTO (DOMENICO ROBUSTI)** (Italian, 1560-1635). ***Portrait of Marco Pasqualigo.*** See color photo on inside back cover.

168. **DOMENICO TINTORETTO (STUDIO OF).** ***Portrait of a Venetian Admiral.*** Oil on canvas. 110 x 84 cm (approx. 43 ⅜″ x 35″). Inv no. 1602-1B0710.

169. **PETER PAUL RUBENS** (Flemish, 1577-1640). ***The Lady of Licnidi,*** 1602. Oil on canvas. 76 x 60 cm (approx. 29″ x 23 ½″). Inv. no. 1779-1B0166.

JACOPO TINTORETTO (JACOPO ROBUSTI) (Italian, 1518-1594):

170. ***Feast of Belshazzar.*** 26.49 x 79 cm (approx. 10 ⅜″ x 31″). Inv. no. 264-1B0229.

171. ***Madonna Allattante.*** Oil on canvs. 89 x 76 cm (approx. 35″ x 30″). Inv. no. 1285-1B1623.

172. ***Samson.*** 26.49 x 79 cm (approx. 10 ⅜″ x 31″). Inv. no. 265-1B0228.

JACOPO TINTORETTO (CIRCLE OF):

173. ***Judgment of Solomon.*** Oil on canvas. 26.409 x 79.5 cm (approx. 10 ½″ x 31 ⅜″). Inv. no. 266-1B0230.

174. ***Male Portrait.*** Oil on canvas. 54 x 44 cm (approx. 21 ¼″ x 17 ¼″). Inv. no. 44381-1B4013.

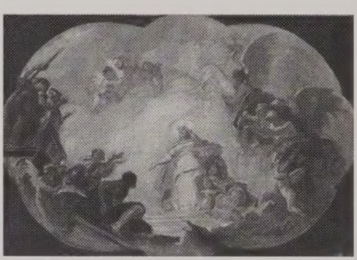
175. ***Transport of the Ark of the Covenant.*** Oil on canvas. 28 x 80 cm (approx. 11″ x 31 ½″). Inv. no. 263-1B0227.

The following three paintings were stolen from a private residence in San Miguel de Allende, Mexico on August 4, 2015. *L15.1014:

176. **GREGORIO GUGLIELMI** (Italian, 1714-1773). ***Ascension of a Female Saint***. Oil painting. 38 x 55.2 cm (approx. 15″ x 21 ¾″).

177. **GREGORIO GUGLIELMI. *The Triumph of a King.*** Oil painting. 38 x 55.2 cm (approx. 15″ x 21 ¾″).

178. **GUILLAUME COURTOIS** (French-Italian, 1628-1679). ***Christ on the Road to Calvary.*** Oil painting. 74 x 60 cm (approx. 29 ¼″ x 23 ½″).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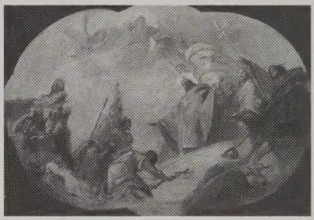
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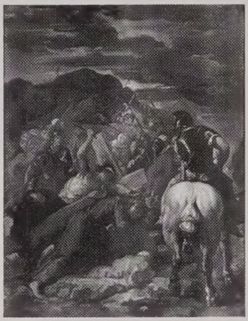
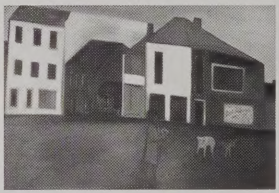

178

The following three paintings were among six works stolen from a business in Brisbane, Australia on February 1, 2015. *L15.635:

179. **ROBERT HENRY DICKERSON** (Australian, 1924-2015). ***The Strays,*** 1954. Oil on canvas. 45 x 70 cm (approx. 17 ¾″ x 27 ½″).

180. **KENNETH WILLIAM DAVID JACK** (Australian, 1924-2006). ***Cassowary Amongst Dunes,*** 1954. Oil on canvas. 36 x 52 cm (approx. 14 ¼″ x 20 ½″).

181. **FREDERICK RONALD WILLIAMS** (Australian, 1927-1982). ***Weipa One,*** 1950. Oil on canvas. 50 x 75 cm (approx. 19 ¾″ x 29 ½″).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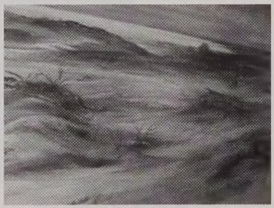
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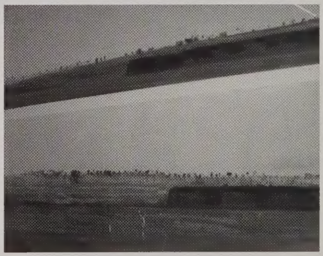
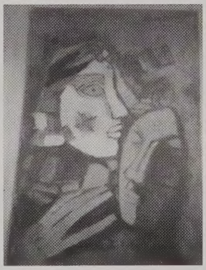

181

The following three paintings were stolen from a private residence in Wachtberg, Germany on August 15, 2015. *L15.967:

182. **M. F. HUSAIN** (Indian, 1915-2011). ***Painter,*** 1960. Oil on canvas. 45.01 x 35 cm (approx. 17 ¾″ x 13 ¾″).

183. **ALEXEJ VON JAWLENSKY** (Russian, 1864-1941). ***Abstract Landscape ("Kuehler Fruehling") – nr. 16,*** 1918. Oil painting. 35 x 27 cm (approx. 13 ¾″ x 10 ½″).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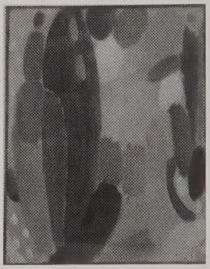
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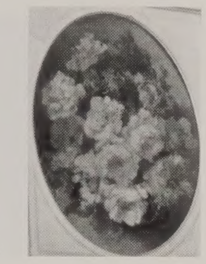
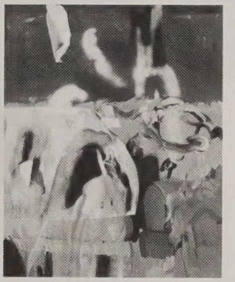
STOLEN ART (cont.)


184

184. **MANUEL FRANCISCO ÁLVAREZ DE LA PEÑA** (Spanish, 1727-1797). ***Flowers, Roses.*** Oil painting. 40 x 30 cm (15 ¾″ x 11 ¾″).

The following three paintings by **WINSTON CHMIELINSKI** (American, born 1988) were stolen in transit from Germany to Los Angeles, CA on November 17, 205. *L15.1356: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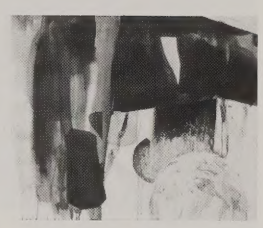
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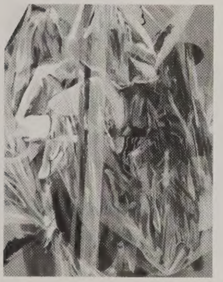
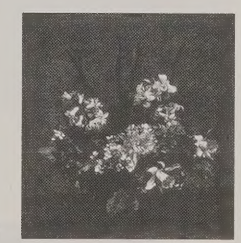

187

185. ***Hardest Water***, 2014. Acrylic and oil on canvas. 150 x 120 cm (approx. 59″ x 47 ¼″). Signed and dated on the verso.

186. ***Kicking up Dust from the Conceptual Plane,*** 2015. Acrylic and oil on canvas. 125 x 155 cm (approx. 49 ¼″ x 61″). Signed and dated on the verso.

187. ***Where the Rapture Split,*** 2015. Oil and acrylic on canvas. 110 x 85 cm (approx. 43 ¼″ x 33 ½″). Signed and dated on the verso.

The following two paintings were stolen during an armed robbery in São Paulo, Brazil on April 6, 2005. *L15.1054. See item no. 275: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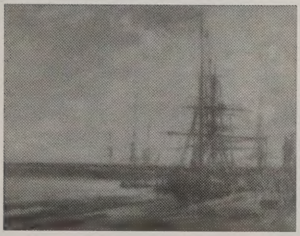
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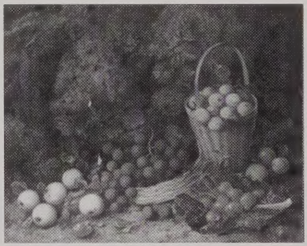
188. **HENRI FANTIN-LATOUR** (French, 1836-1904). ***Flower Still Life,*** 1883. Oil on canvas. 35 x 33 cm (approx. 13 ¾″ x 13″).

189. **JOHN BARTHOLD JONGKIND** (Dutch, 1819-1891). ***Marine.*** Oil on canvas.

The following two paintings were stolen in transit from the U.S. to England on April 5, 2015. *L15.941. See item no. 233:

190. **GEORGE CLARK** (American, 1853-1904). ***Still Life with Plums and Greenages.*** Oil on canvas. 50.8 x 60.96 cm (20″ x 24″).

191. **VICENTE GARCÍA DE PAREDES** (Spanish, 1845-1903). ***A Grand Occasion.*** Oil painting. 53.34 x 38.1 cm (21″ x 15″).



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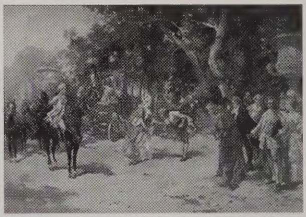
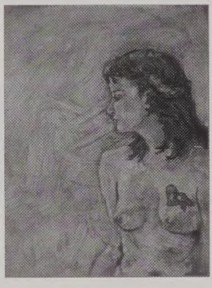


191

The following two paintings by **CORI REDSTONE** (American, contemporary) were stolen from a private residence in Salt Lake City, UT. *L15.389:

192. ***The Alpaca Farmer,*** 2009. Oil on board. 40.64 x 30.48 cm (16″ x 12″).

193. ***Descent,*** 2008. Oil on board. 50.8 x 40.64 cm (20″ x 16″).



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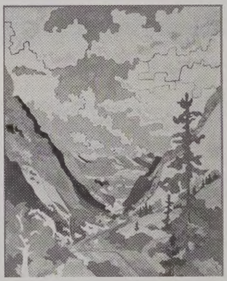
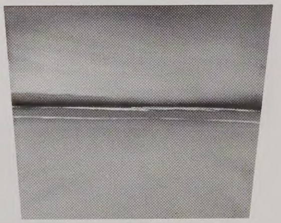


193

The following two paintings by **ANDREW CRAIG** (Scottish, born 1967) were stolen from a café in Isle of Harris, England on May 6, 2015. *L15.685:

194. ***Untitled,*** 2015. 13 x 13 cm (approx. 5 ⅛″ x 5 ⅛″).

195. ***Untitled,*** 2015. 25 x 13 cm (approx. 9 ¾″ x 5 ⅛″).



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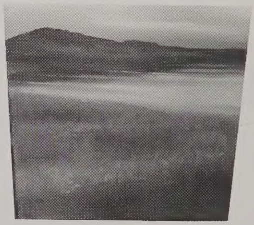
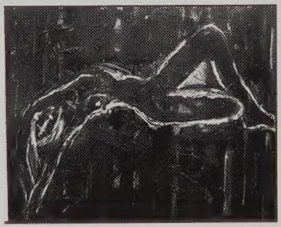


195

The following two paintings by **AMADEA BAILEY** (American, born 1957) were among nine works stolen in Los Angeles, CA on March 5, 2015. *L15.853:

196. ***Black Nude,*** 2010. Oil and resin on canvas. 61.96 x 81.28 cm (24″ x 32″).

197. ***Queen of Diamonds,*** 2013. Oil on canvas. 137.16 x 137.16 (54″ x 54″).



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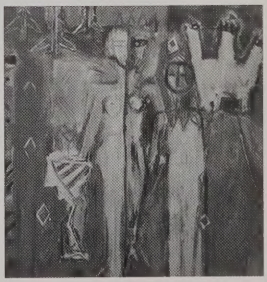

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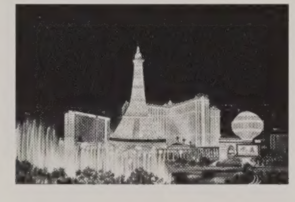
STOLEN ART (cont.)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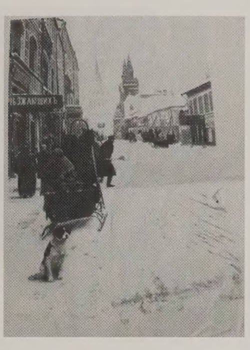
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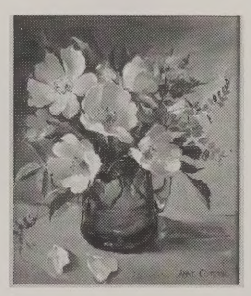
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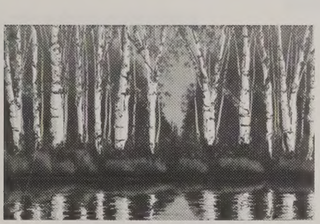
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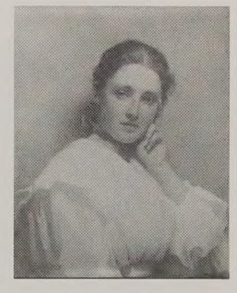
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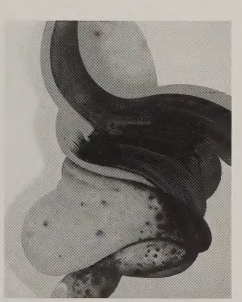
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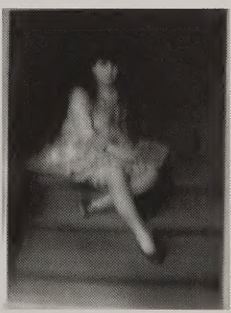
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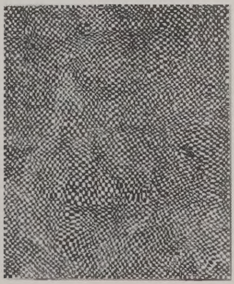

205

198. **LILY ADAMCZYK-LAMBERT** (American, contemporary). ***A Night in Paris,*** 2012. Oil on canvas. 60.96 x 91.44 cm (24″ x 36″). *L15.391. Stolen from a gallery in Las Vegas, NV on January 10, 2013.

199. **PAUL LOUIS BOUCHARD** (French, 1853-1937). ***Moscow, the Nikolskaya,*** 1922. Oil painting. 92 x 64 cm (approx. 36 ¼″ x 25 ¼″). *L15.1332. Stolen from a private residence in Maryland on November 12, 2001.

200. **ANNE COTTERILL** (Scottish, 1933-2010). ***Wild Roses,*** 1995. Oil on board. 34 x 30 cm (approx. 13 ½″ x 11 ¾″). *L15.695. Stolen from a gallery in Minehead, England on June 18, 2015.

201. **SERGE DUBÉ** (Canadian, contemporary). ***Looking into Your Eyes,*** 2012. Painting on canvas. 76.2 x 48 cm (approx. 30″ x 19″). *L15.901. Stolen from a restaurant in Banff, Alberta, Canada on March 30, 2015.

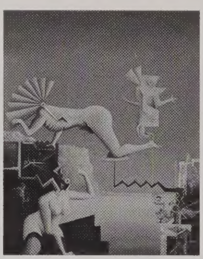
202. **JOHN GRAY** (English, 1870-1904). ***Family Portrait,*** c. 1900. Oil on canvas. 49.99 x 40 cm (approx. 19 ¾″ x 15 ¾″). *L15.987. Stolen from a private residence in Suffolk, England on July 10, 2000.

203. **IAN HUGHES** (American, contemporary). ***Redwrap,*** 2014. Acrylic on canvas. 111.7 x 91.4 cm (approx. 44″ x 36″). *L15.993. One of three paintings by the artist lost in transit in New York City on April 6, 2015.

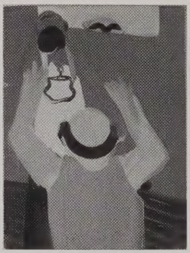
204. **EASTMAN JOHNSON** (American, 1824-1906). ***Young Girl Reading,*** 1883. Oil on canvas. Signed right; dated l/l. 137.8 x 102.87 cm (approx. 54 ¼″ x 40 ½″). *L15.1352. Stolen from a private residence in Wellington, FL on November 13, 2015.

205. **HARMONY KORINE** (American, born 1973). ***Blue Checker,*** 2014. Oil on canvas. 259.1 x 213.4 cm (102″ x 84″). *L15.1242. Stolen from a building lobby in New York, NY on October 31, 2015.

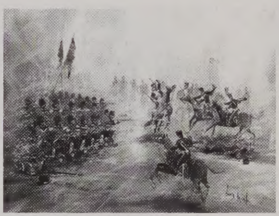
206. **HANS HENRIK LERFELDT** (Danish, 1946-1989). ***Nature Wakes Up After the Rain,*** 1972. Oil on canvas. 100 x 81 cm (approx. 39 ⅜″ x 31 ¾″). Signed on the verso. *L15.1304. One of eleven works stolen in Düsseldorf, Germany on November 13, 2015. See item no. 245.


206

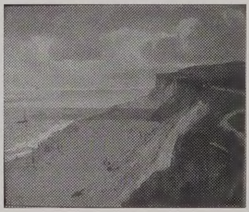
207. **TALA MADONI** (Iranian-American, born 1981). ***Untitled,*** 206. Oil on canvas. 35.56 x 27.94 cm (14″ x 11″). *L15.586. One of four paintings stolen from a gallery in Provincetown, MA on October 1, 2006.


207

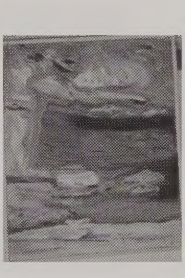
208. **BEN MAILE** (French, contemporary). ***Waterloo – British Infantry in Square Being Attacked by French Infantry,*** 2005. Oil painting. 60.96 x 76.2 cm (24″ x 30″). *L15.1048. Stolen from a private residence in Barlborough, England on January 1, 2005.


208

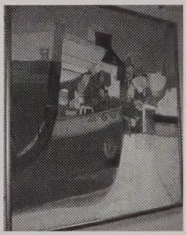
209. **CAMPBELL A. MELLON** (English, 1876-1955). ***View of Cliffs at Gorleston.*** Oil on canvas. 50 x 60 cm (19.68 x 23.62 cm). Signed. *L15.944. Stolen from a golf club in Great Yarmouth, Norfolk, England on August 15, 2015.


209

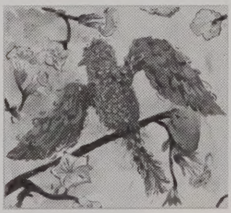
210. **MANUEL GONZÁLEZ MÉNDEZ** (Spanish, 1843-1909). ***Abstract Landscape.*** Oil on canvas. 78 x 60 cm (approx. 30 ¾″ x 23 ½″). *L15.1156. Stolen from a storage facility in Houston, TX on July 28, 2015. See item nos. 226-228; 259-274:


210

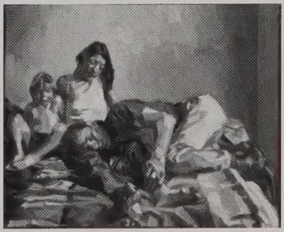
211. **LEON MORROCCO** (Scottish, born 1942). ***Boats,*** 1965. Oil on board. 105 x 120 cm (approx. 41 ⅜″ x 47 ¼″). The surface of the painting has scratches. *L15.990. Stolen from the Royal Edinburgh Hospital in Scotland on January 1, 2014.


211

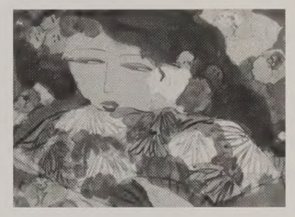
212. **LAURA OWENS** (American, contemporary). ***Untitled,*** 2006. Oil and acrylic on linen. 45.72 x 50.8 cm (18″ x 20″). *L15.561. One of two works stolen in transit in Los Angeles, CA on August 15, 2014. See item no. 236.


212

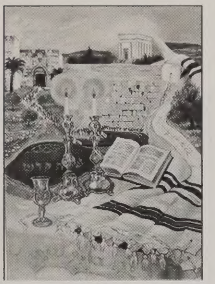
213. **TAI-SHAN SCHIERENBERG** (English, born 1962). ***Tristan,*** 1993. Oil on canvas. 114.5 x 140 cm (approx. 45″ x 55 ¼″). *L15.1322. Stolen in transit from London to Goring-on-Thames, England on August 7, 2008.


213

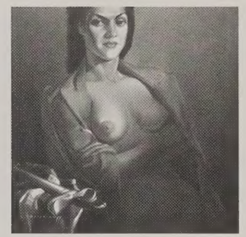
STOLEN ART (cont.)


214

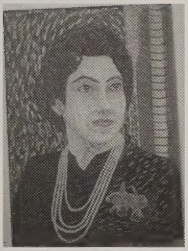
214. **WALASSE TING** (Chinese-American, 1920-2010). ***Painting,*** 2005-06. Oil on canvas. 66.5 x 90 cm (approx. 26 ¼″ x 35 ½″). *L15.607. Stolen from a private residence in St. Tropez, France on May 5, 2014.


215

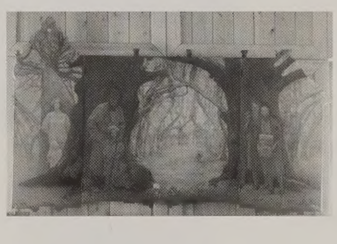
215. **ESTHER TOUSON** (Argentinian-Israeli, contemporary). ***Untitled,*** 1995. Oil on canvas. 132.08 x 104.14 cm (52″ x 41″). Signed l/r. *L15.694. Stolen in transit in Encino, CA on June 3, 2015.


216

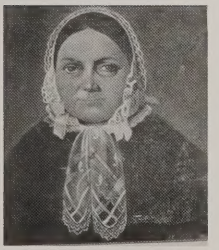
216. **VLADIMIR TRETCHIKOFF** (Kazakhstani, 1913-2006). ***Portrait of Lena (Red Jacket),*** c. 1945. Oil on canvas. Signed and inscribed l/l: V. Tretchikoff/Java. 102.49 x 87 cm (approx. 40 ¼″ x 34 ¼″). *L15.925. Stolen in transit between London, England and Bermuda on June 10, 2015.


217

217. **ALEXANDER ERICK TROFIMOFF** (Mexican, contemporary). ***Portrait of Marina Aldona (the Artist's Mother),*** 1990. Oil on canvas. 70 x 50 cm (approx. 27 ½″ x 19 ¾″). *L15.1200. Stolen in transit in Philadelphia, PA on April 30, 2015.

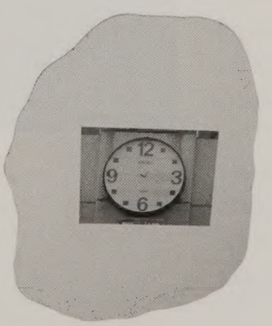

218

218. **GITENIS UMBRASAS** (Lithuanian, born 1961). ***Triptych,*** 2003. Oil on oak panel. 120 x 270 cm (approx. 47 ¼″ x 106 ¼″). *L15.679. Stolen from a private residence in Seimaties, Lithuania on February 17, 2014.


219

219. **Unknown Artist** (19th century). ***Portrait of Mrs. Elsabea Margareta Friccius.*** Oil on canvas. 20 x 15 cm (approx. 7 ¾″ x 6″). *L15.1331. Stolen from a private residence in Wolfenbüttel, Germany on September 9, 1982.

MIXED MEDIA



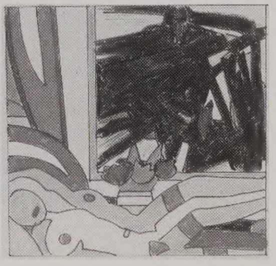
220

220. **THOMAS MAILAENDER** (French, born 1979). ***Cut-out section of the Chicken Museum presented at the Rencontres d'Arles in 2011.*** Digital print on paper glued to plasterboard. 91 x 72 cm (approx. 35 ¾″ x 28 ¼″). *L15.642. Stolen in London, England on June 10, 2015.

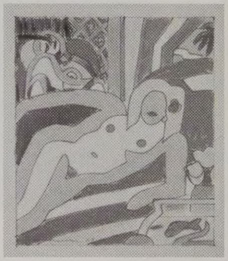
WORKS ON PAPER

The following five works on paper by **TOM WESSELMAN** (American, 1931-2004) were stolen from a warehouse in New York, NY on January 1, 2010. *L15.935:

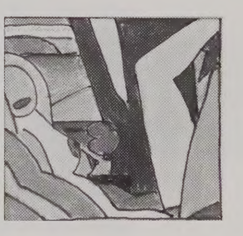
221. ***Study for Sunset Nude with Kline,*** 2003. Ink and colored pencil on tracing paper. 11.43 x 11.68 cm (4 ½″ x 4 ⅝″. Signed in pencil l/r. Artist inv. no. D03162.


221

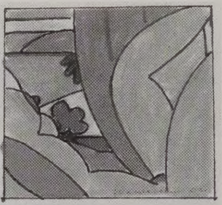
222. ***Study for Sunset Nude with "The Dream,"*** 2003. Ink and colored pencil on tracing paper. 10.8 x 9.52 cm (4 ¼″ x 3 ¾″). Signed and dated in pencil l/l. Artist inv. no. D0322.


222

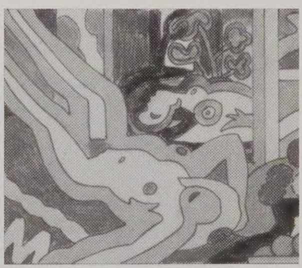
223. ***Study for Sunset Nude Variation #3,*** 2002. Pencil and colored pencil on tracing paper. 6.65 x 6.98 cm (2 ⅝″ x 2 ¾″). Signed in pencil on the margin: "For Rick." Signed in pencil u/l. Artist inv. no. D0261.


223

224. ***Study for Sunset Nude Variation #4,*** 2002. Pen and colored pencil on tracing paper. 6.35 x 6.98 cm (2 ½″ x 2 ¾″). Signed and dated in pencil l/r. Artist inv. no. D0262.

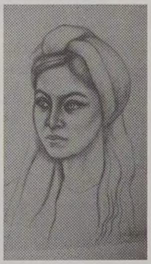

224

225. ***Study for Sunset Nude with "The Dream,"*** 2003. Ink and colored pencil on tracing paper. 11.43 x 13.97 cm (4 ½″ x 5 ½″). Signed in pencil l/r. Artist inv. no. D03229.

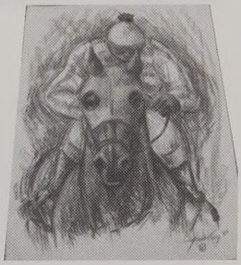

225

The following three works on paper were stolen from a storage facility in Houston, TX on July 28, 2015. *L15.1156. See item nos. 210; 259-274:

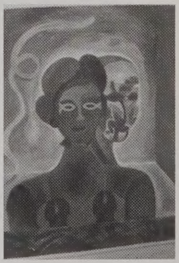
226. **RAUL ANGUIANO** (Mexican, 1915-2006). ***Portrait of a Woman.*** Drawing. 90 x 35 cm (approx. 35 ½″ x 13 ¾″).


226

227. **BILL ANDERSON** (American, contemporary). ***Jockey.*** Pastel on paper. 88 x 59 cm (approx. 34 ½″ x 23 ¼″).

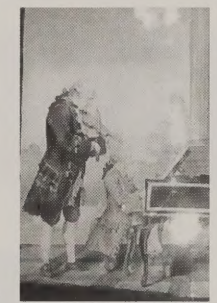

227

228. **FRANCISCO TOLEDO** (Mexican, born 1940). ***Metamorphosis.*** Watercolor on paper. 79 x 38 cm (approx. 31″ x 15″).

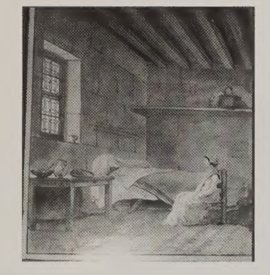

228

STOLEN ART (cont.)

The following two works on paper were stolen from a private residence in Paris, France on July 5, 2003. *L15.709:

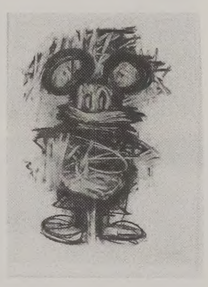

229

229. **LOUIS CARROGIS DE CARMONTELLE** (French, 1717-1806). ***Leopold and Wolfgang Mozart,*** 1760. Watercolor and black chalk on paper. 30 x 20 cm (approx. 11 ¾″ x 7 ¾″).

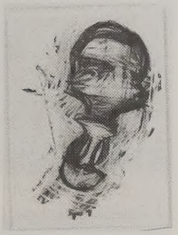

230

230. **HUBERT ROBERT** (French, 1733-1808). ***Prisonnière dans sa Cellule,*** 1794. Pen, ink, and watercolor on paper.

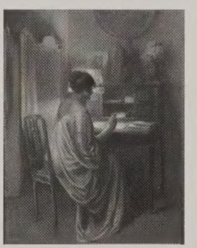
The following two works on paper by **JOYCE PENSATO** (American, contemporary) were stolen in transit in Carteret, NJ on April 5, 2015. *L15.877:


231

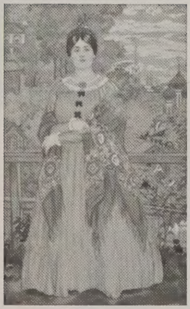
231. ***Duck Soup I,*** 0215. Charcoal and pastel on paper. 83.79 x 64.01 cm (approx. 33″ x 25 ¼″).


232

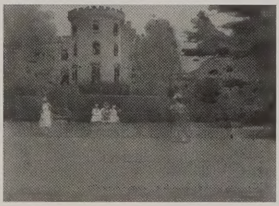
232. ***Duck Soup II,*** 2015. Charcoal and pastel on paper. 83.79 x 64.01 cm (approx. 33″ x 25 ¼″).


233

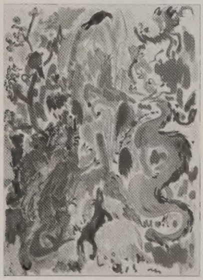
233. **DELPHIN ENJOLRAS** (French, 1857-1945). ***The Love Letter.*** Pastel. 73.66 x 53.3 cm (29″ x 21″). *L15.941. Stolen in transit from the U.S. to England on April 5, 2015. See item nos. 190, 191.


234

234. **BORIS MIHAJLOVIC KUSTODIEV** (Russian, 1878-1927). ***The Merchant's Wife,*** c. 1915-20. Watercolor. 43 x 26 cm (approx. 16 ¾″ x 10 ¼″). *L15.1343. Stolen from an auction house in Uppsala, Sweden on November 28, 2015.


235

235. **ARTHUR MELVILLE** (Scottish, 1858-1904). ***Tennis Party, Kilmaron Castle Fife,*** 1889. Watercolor and colored chalks on paper. 31.75 x 40.67 cm (12 ½″ x 16″). Inscribed l/r: to Mrs. Stratham from Arthur Melville September 15th 1889. Inscribed l/l: Kilmaron Castle. *L15.1388. Stolen from a car at a private estate in Hampshire, England on October 1, 2015.


236

236. **LAURA OWENS** (American, contemporary). ***Untitled,*** 2008. Acrylic, pastel and graphite on paper. 36.2 x 26.04 cm (14 ¼″ x 10 ¼″). *L15.561. One of two works stolen in transit in Los Angeles, CA on August 15, 2014. See item no. 212.

PRINTS, ETCHINGS, LITHOGRAPHS

The following seven prints by **ANDY WARHOL** (American, 1928-1987) were stolen in Los Angeles, CA on January 1, 2012. *L15.772:

237. ***Bald Eagle,*** 1983. See color photo on inside back cover.

From the ***Jews of the Twentieth Century*** series:

238. ***Portrait of Sarah Bernhardt,*** 1980. See color photo on inside back cover.

239. ***Portrait of Louis Brandeis,*** 1980. Screenprint on Lenox Museum Board. 101.6 x 81.28 cm (40″ x 32″). Signed l/l. Ed. no. 73/200.

240. ***Portrait of Martin Buber,*** 1980. Screenprint on Lenox Museum Board. 101.6 x 81.28 cm (40″ x 32″). Signed l/r. Ed. no. 73/200.

241. ***Portrait of Sigmund Freud,*** 1980. Screenprint on Lenox Museum Board, 101.6 x 81.28 cm (40″ x 32″). Ed. no. 73/200. Signed l/r.

242. ***Portrait of George Gershwin,*** 1980. Screenprint on Lenox Museum Board, 101.6 x 81.28 cm (40″ x 32″). Ed. no. 73/200. Signed l/r.

243. ***Portrait of Gertrude Stein,*** 1980. Screenprint on Lenox Museum Board, 101.6 x 81.28 cm (40″ x 32″). Ed. no. 73/200. Signed l/r.

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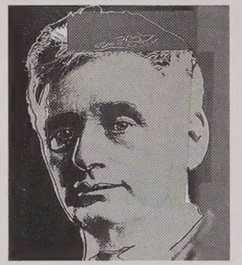
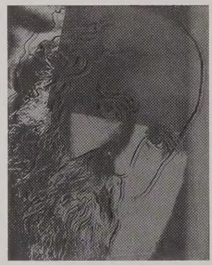
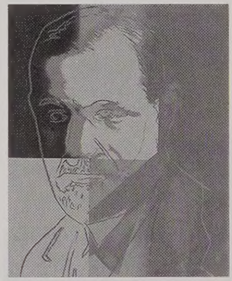
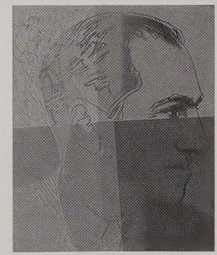
244. **ROBERT ADAMS** (English, 1917-1984). ***United,*** 1954. Monotype on wove paper. 85 x 30 cm (approx. 33 ½″ x 11 ¾″).*L15.753. One of two works stolen from a gallery in London, England on June 9, 2015. See item no. 254.

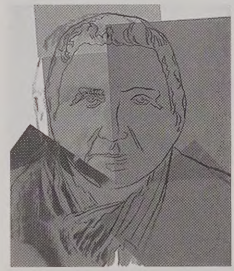
245. **FRANCIS BACON** (English, 1909-1992). ***Triptych,*** 1972. Left panel. See color photo on inside back cover.

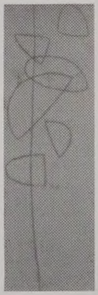

239


240

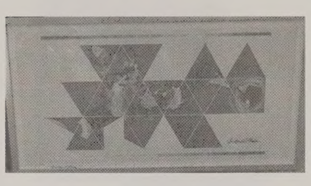

241


242

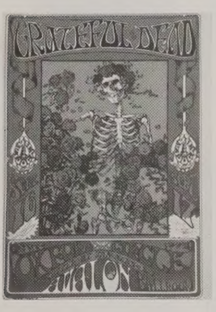

243


244

STOLEN ART (cont.)

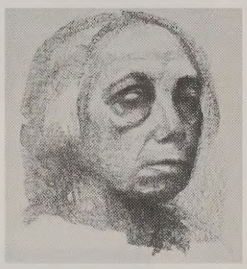

246

246. **R. BUCKMINSTER FULLER** (American, 1895-1983). ***Dymaxion Maps,*** 1979-80. Screenprint on paper. 127 x 182.91 cm (50″ x 72″). Ed. no. 288/400. Signed in black felt pen. On the verso: "from Atlantic Richfield" *L15.929. Stolen in transit from Jackson, WY to Los Angeles, CA on July 2, 2015.



247

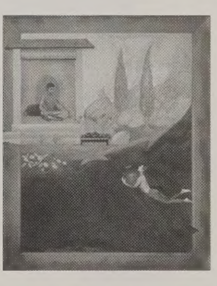
247. **STANLEY MOUSE** (Stanley George Miller, American, born 1940) and **ALTON KELLEY** (American, 1940-2008). ***Grateful Dead Poster.*** Hand-embellished silkscreen. 50.8 x 35.56 cm (20″ x 14″). Signed. Credit in corner reads: The Bindweed Press San Francisco. *L15.876. Stolen from an auction house in Union, IL on April 28, 2015.


248

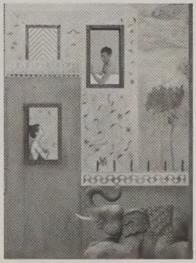
248. **KÄTHE KOLLWITZ** (German, 1867-1945). ***Self-Portrait,*** 1920. Lithograph on paper. 32.51 x 24.51 cm (approx. 12 ¾″ x 9 ½:″). Inv. no. Y.Fl.2010.2.0. *L15.732. Stolen from the New Walk Museum in Leceister, England on May 29, 2015.

PHOTOGRAPHS

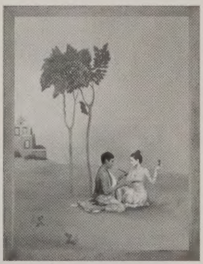
The following three works by **DIANNE BLELL** (American, contemporary) were stolen from a gallery in Palm Beach, FL on June 27, 2015. *L15.764:


249

249. ***Floating to Her Fate,*** 2000. Archival pigment photo. 71.12. x 88.9 cm (28″ x 35″).

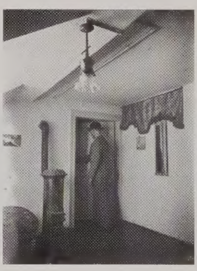

250

250. ***Lovers' First Glance,*** Archival pigment photo. 71.12 x 88.9 cm (28″ x 35″). Ed. no. ⅜.


251

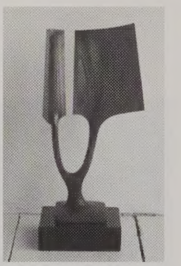
251. ***Tattooing the Beloved,*** 2000. Archival pigment photo. 81.28 x 68.58 cm (32″ x 27″). Ed. no. 3/8. Signed, titled, dated on the verso.

252. **ELLEN AUERBACH** (German-American, 1906-2004). ***Berlin, Kurfursensh,*** 1932. Silver print. 11.43 x 8.89 cm (4 ½″ x 3 ½″). Signed, titled, and dated in pencil. *L15.385. Stolen from a New York gallery on June 12, 2014.

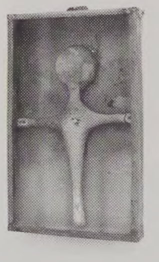

252

SCULPTURE

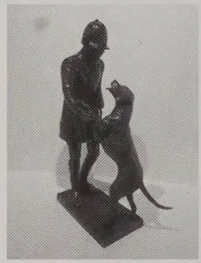
253. **ROBERT ADAMS** (English, 1917-1984). ***Semaphore,*** 1982. Bronze. 300 x 20 cm (approx. 118 ¼″ x 7 ¾″). Ed. no. 9. *L15.753. One of two works stolen from a gallery in London, England on June 9, 2015. See item no. 244.


253

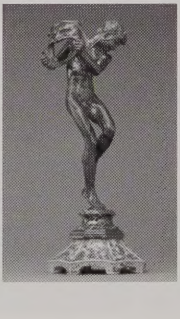
254. **JOSEPH BEUYS** (German, 1921-1986). ***Handcreuz,*** 1950. Bronze in zinc box. 25 x 10 x 3.5 cm (approx. 9 ¾″ x 4″ x 1 ¼″). Signed and dated on verso. *L15.1262. Stolen from an auction house in Cologne, Germany on November 1, 2015.


254

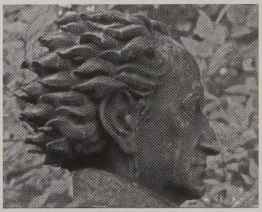
255. **JULIET CURSHAM** (English, born 1960). ***Favorite Hound.*** Bronze. Ht: 30 cm (approx. 11 ¾″). Ed. no. 2/9. *L15.811. Stolen from a gallery in London, England on July 10, 2015.


255

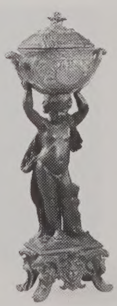
256. **WILLIAM EHRICH** (Prussian-American, 1897-1960). ***Bust of Johann Wolfgang von Goethe,*** 1950. Bronze. *L15.834. Stolen from a public park in Rochester, NY on July 23, 2015.


256

257. **ALFRED GILBERT** (English, 1854-1934). ***Comedy and Tragedy 'Sic Vita',*** 1891. Bronze with a green marquetry base on a later hexagonal Ruskin ceramic stand. 33 x 16.5 cm (approx. 13″ x 6 ½″). *L15.1275. Stolen from a gallery in London, England on November 13, 2015.


257

258. **Unknown Artist** (French, 19th century). ***Napoleon III Brûle-Parfum Sculpture.*** Patinated bronze with ormolu and gilding. 114.4 x 43 x 43 cm (approx. 45″ x 17″ x 17″). *L15.880. Stolen from a warehouse in Rastatt, Germany on July 6, 2015.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STOLEN ART (cont.)

AFRICAN ART

The following items were stolen from a storage facility in Houston, TX on July 28, 2015. *L15.994 and *L15.1156:

259. ***Antelope*** (Bamana, 19th century). See color photo on inside back cover.

260. ***Antelope Mask*** (Bamana, 20th century). Wood. 43 x 19 x 99 cm (approx. 17″ x 7 ½″ x 39″).

261. ***Bellows*** [4 circles] (Songye, 19th century). Wood, 89 x 39 x 22 cm (approx. 35″ x 15 ⅜″ x 8 ¾″).

262. ***Bellows*** [2 circles](Songye, 20th century). Wood. 65 x 30 x 24 cm (approx. 25 ½″ x 11 ¾″ x 9 ½″).

263. ***Bird*** (Senufo, 18th century). Wood 203 x 47 x 37 cm (approx. 80″ x 18 ½″ x 14 ½″).

264. ***Chair*** (Chokwe, 20th century). Wood. 110 x 38 x 92 cm (approx. 43 ¼″ x 15″ x 36 ¼″).

265. ***Door*** (Bamana, 19th century). Wood. 202 x 67 x 2 cm (approx. 79 ½″ x 26 ¼″ x ¾″).

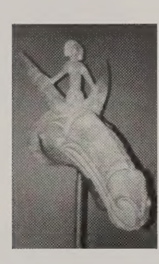
266. ***Equestrian Figure*** (Dogon, 19th century). Wood. 156 x 85 x 31 cm (approx. 61 ⅜″ x 233 ½″ x 12 ¼″).

267. ***Female Figure*** (Bamana, 18th century). Wood. 145 x 30 x 26 cm (approx. 57″ x 11 ¾″ x 10 ¼″).

268. ***Female Figure*** (Bamana, 17th century). Wood. 101 x 20 x 29 cm (approx. 39 ¾″ x 7 ¾″ x 11 ½″)

269. ***Female Figure*** (Bamana, 18th century). Wood. 150 x 23 x 24 cm (59″ x 9″ x 9 ½″).

270. ***Female Figure*** (Bamana, 19th century). Wood. 163 x 30 x 32 cm (approx. 64 ¼″ x 11 ¾″ x 12 ½″).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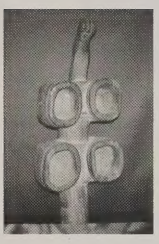
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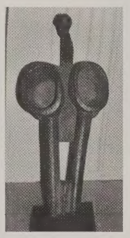
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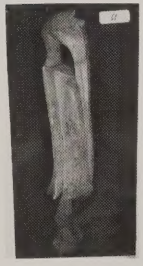
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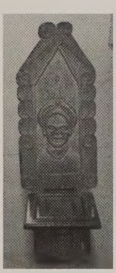
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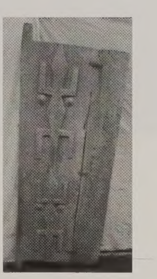
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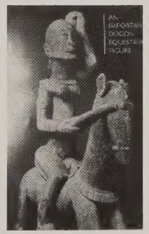

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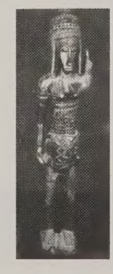
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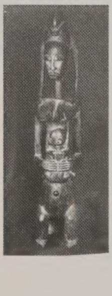
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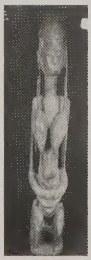
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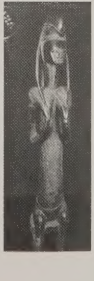
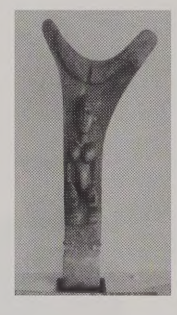

270

271. ***House Post.*** (Dogon, 19th century). Wood. 245 x 34 x 9 cm (approx. 96 ½″ x 13 ⅜″ x 3 ½″).

272. ***Mask*** (Baule, 19th century). Wood with beads and shells. 40 x 25 x 82 cm (approx. 15 ¾″ x 9 ¾″ x 32 ¼″).

273. ***Pipe*** (Bamum, 19th century). Camaroon? Bronze. 64 x 7 x 6 cm (approx. 25 ¼″ x 2 ¾″ x 2 ⅜″).

274. ***Standing Male Figure with Traditional Instrument on Shoulder*** (Camaroon, 12th century). Volcanic stone. 60 x 52 x 38 cm (approx. 23 ½″ x 20 ½″ x 15″).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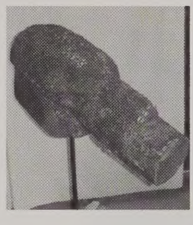
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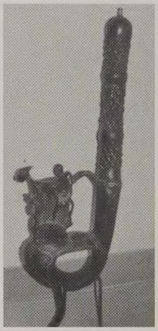
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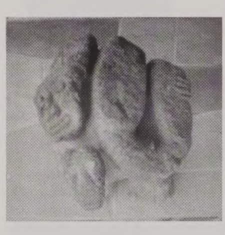
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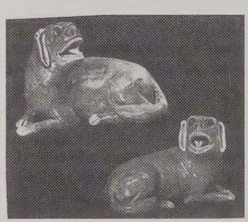
ASIAN ART

275. **Unknown Artist** (Chinese, K'ang-Hsi, 1662-1722). ***Pair of Dogs.*** Biscuit porcelain. 6 x 12 x 4 cm (approx. 2 ¼″ x 4 ¾″ x 1 ½″). *L15.1054. Stolen in São Paulo, Brazil on August 1, 2006. See item nos. 188, 189.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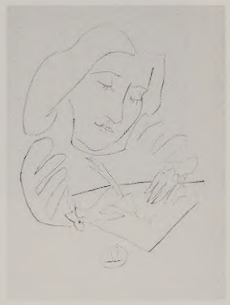
MISSING ART*

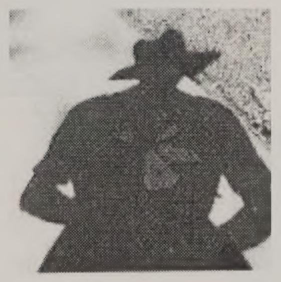
WORKS ON PAPER



31

31. **PABLO PICASSO** (Spanish, 1881-1973). ***Woman Drawing,*** 1947. Drawing on Marais paper. 38.82 x 28.3 cm (approx. 15″ x 11 ¼″). Ed. no: Baer-Geiser 745 BC; Bloch 479. Unsigned. *L15.1079. Missing at Hamburg Airport, Hamburg, Germany on September 20, 2015.

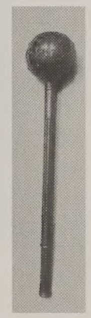
PHOTOGRAPHS



32

32. **VIVIAN MAIER** (American, 1926-2009). ***Untitled (Self-portrait).*** Gelatin print. 30.48 x 30.48 cm (12″ x 12″). Ed. no. 7/15 (0112520). *L15.1023. Missing in transit in Los Angeles, CA on August 29, 2015.

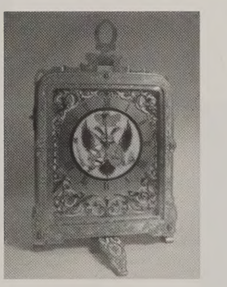
ARMS & ARMOR



33

33. **Unknown Artist. *Hetman's Bulawa*** (ceremonial mace or baton) (Polish, 17th century). Steel with gilding, rubies, and turquoise. Ht: 60.81 cm (approx. 25″). *W15.20. Looted from the Museum of the Krasinski Estate in Warsaw, Poland in 1941.

CLOCKS, WATCHES, TIMEPIECES



34

34. **THOMAS COLE** (English, 1800-1864). ***Strutt Clock,*** 1839. Brass with gilt and enamel. 12 x 8 x 2 cm (approx. 4 ¾″ x 3 ¼″ x ¾″). *L15.1032. Lost in a taxi in London on September 9, 2015.

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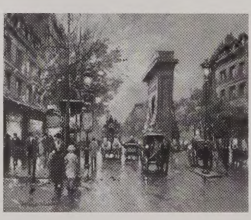
* Numbering for the year 2015 Cumulative Index of Missing Art began with Vol. 16, nos. 1&2.

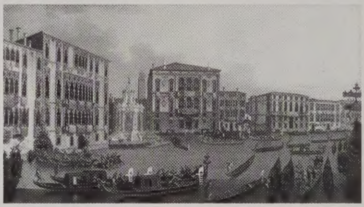
RECOVERED ART*

PAINTINGS

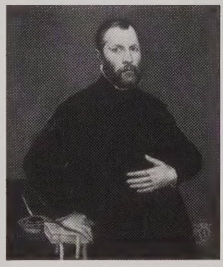
22. **ANTOINE BLANCHARD** (French, 1910-1988). ***La Porte St. Denis.*** Oil on canvas. One of over 3,000 works stolen from the Herbert Arnot Gallery in New York in 1954-1968. Recovered with the help of Art Recovery Group in Miami, FL in November 2015.


22

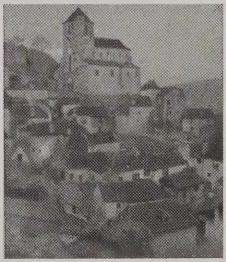
23. **VINCENZO CHILONE** (Italian, 1758-1839). ***A Regatta on the Grand Canal.*** Looted in France before 1943. Recovered in Italy with the help of the Art Recovery Group and returned to its rightful owners in Paris on October 19, 2015.


23

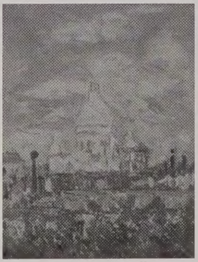
24. **EL GRECO** (Greek-Spanish, 1541-1614). ***Portrait of a Gentleman.*** Looted in Vienna, Austria in 1944. Recovered in New York in June 2014 with the help of the Commission for Art Recovery and Art Recovery International and returned to its rightful owners on March 2015.


24

25. **HENRI JEAN GUILLAUME MARTIN** (French, 1860-1943). ***Vue Générale de Saint-Cirq-Lapopie,*** c. 1930. *L13.907. Oil on canvas. 110 x 88 cm (43 ¼″ x 34 ½″). Stolen from a private residence in Hertfordshire, England on September 29, 2012. Recovered in London with the help of Art Recovery International and sold at auction on March 10, 2015.


25

26. **MAXIME EMILE LOUIS MAUFRA** (French, 1861-1918). ***Le Sacré Coeur au Printemps.*** Oil on canvas. Initialed l/r. 35.56 x 27.3 cm (14″ x 10 ¾″). *L15.1171. Stolen from a private residence in Salisbury, CT on September 25, 2015 and recovered in November 2015 in CT with the help of Art Recovery Group.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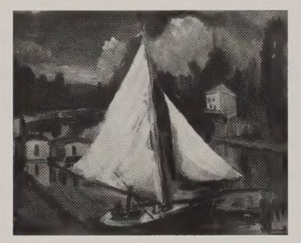
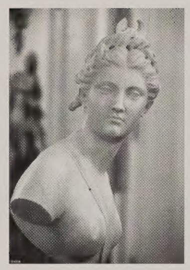
* Numbering for the year 2015 Cumulative Index of Recovered Art began with Vol. 16, nos. 1&2.


27

27. **MAURICE DE VLAMINCK** (French, 1876-1958). ***La Voile Blanche à Bougival.*** Oil on canvas. 65 x 80.5 cm (approx. 25 ½″ x 31 ¾″). *W12.3.Looted in Paris in 1940. Recovered in New York in February 2015 with the help of Art Recovery International.

SCULPTURE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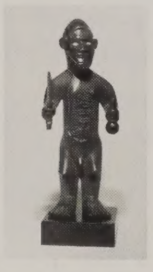
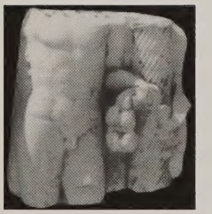
28. **JEAN-ANTOINE HOUDON** (French, 1741-1828) ***Diana,*** 1777. White marble. Ht: 65 cm (approx. 25 ½″). *W15.29. Looted from the Royal Łazienki Palace in Krakow, Poland in 1940. Recovered in Vienna on November 2, 2015 with the help of the Polish Embassy and the Art Recovery Group.

AFRICAN ART


29

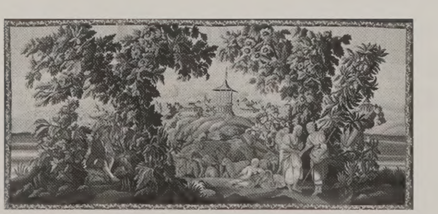
29. ***Tribal Figure from the Congo*** (Bembe). Wood. 61.51 x 6.5 x 4 cm (approx. 6 ½″ x 2 ½″ x 1 ½″). *L05.496; R1669. One of 35 wood African sculptures stolen from the Folch Foundation in Barcelona on April 8, 2005. Recovered at an auction house in France with the help of the ALR and French police in June 2015 and returned to the museum on September 22, 2015.

ROMAN ANTIQUITIES


30

30. ***Male Torso.*** Marble. 43 x 38.99 cm (approx. 17″ x 15 ⅜″). *L11.7. R1488. Stolen from a museum in Bursa, Turkey. Recovered at an auction house in Munich, Germany with the help of the ALR and German police and returned to Turkey on September 22, 2015.

TAPESTRIES, TEXTILES


31

31. **AUBUSSON** (French, 18th century). ***Tapestry.*** Silk. 270 x 253 cm (approx. 106 ⅜″ x 99 ½″). *N83.30. R1614. Stolen from a private residence in Paris, France on April 1, 1982 and recovered with the help of the ALR in July 2015.

2015 CUMULATIVE INDEX OF STOLEN ART

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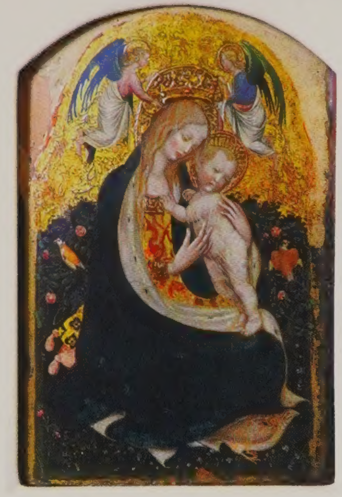
STOLEN ART

PAINTINGS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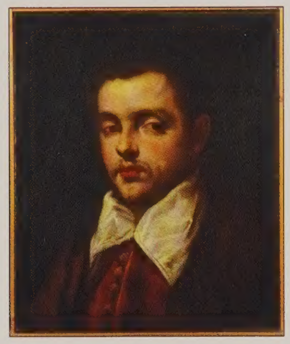
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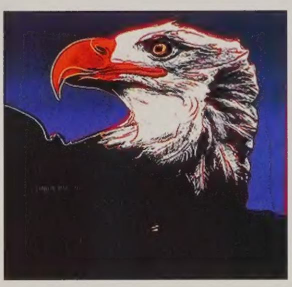
The following two paintings were stolen during an armed robbery from the Museo Civico in Castelvecchio, Verona, Italy on November 19, 2015. *L15.1305. See also item nos. 159-165 and 168-175 inside:

166 **PISANELLO (ANTONIO PISANO)** (Italian, 1345-1455). ***Our Lady of the Quail.*** Icon. Tempera on panel. 54 x 32 cm. (approx. 21 ¼″x 12 ½″). Inv. no. 164-1B0090.

167 **DOMENICO TINTORETTO (DOMENICO ROBUSTI)** (Italian, 1560-1635). ***Portrait of Marco Pasqualigo.*** Oil on canvas. 48 x 40 cm (approx. 19″ x 15 ¾″). Inv no. 6707-1B0158.

PRINTS, LITHOGRAPHS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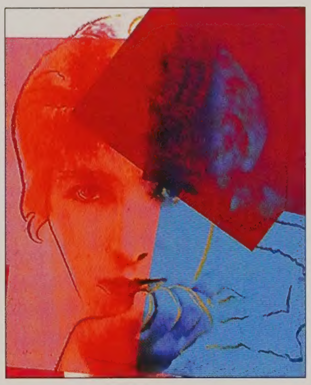
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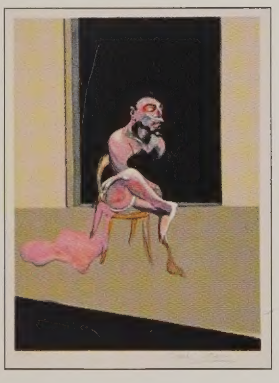

245

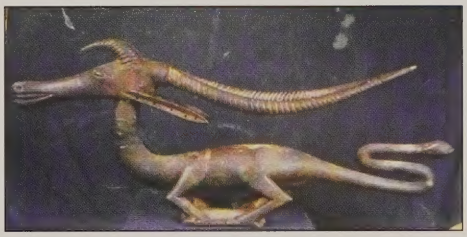
The following two prints by **ANDY WARHOL** (American, 1928-1987) were stolen in Los Angeles, CA on January 1, 2012. *L15.772. See also item nos. 239-243 inside:

237 ***Bald Eagle,*** 1983. Screenprint on Lenox Museum Board. Ed. no. 96/150. 96.52 x 96.52 cm (38″ x 38″). From the *Endangered Species* series.

238 ***Portrait of Sarah Bernhardt,*** 1980. Screenprint on Lenox Museum Board. 101.6 x 81.28 cm (40″ x 32″). Signed l/r. Ed. no. 73/200. From the *Jews of the Twentieth Century* series.

245 **FRANCIS BACON** (English, 1909-1992). ***Triptych,*** left panel, 1972. Lithograph. Ed no: 18/180. 65.51 x 48.49 cm (approx. 25 ¾″ x 19″). *L15.1304. One of 11 works stolen in Düsseldorf, Germany on November 13, 2015. See also item no. 206 inside.

AFRICAN ART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259 ***Antelope*** (Bamana, 19th century) Metal. 50 x 35 x 59 cm (approx. 19 ¾″ x 13 ¾″ x 23 ¼″). *L15.1156. Stolen from a storage facility in Houston, TX on July 28, 2015.

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Art Theft:
its scope, its impact, and its control
by Bonnie Burnham

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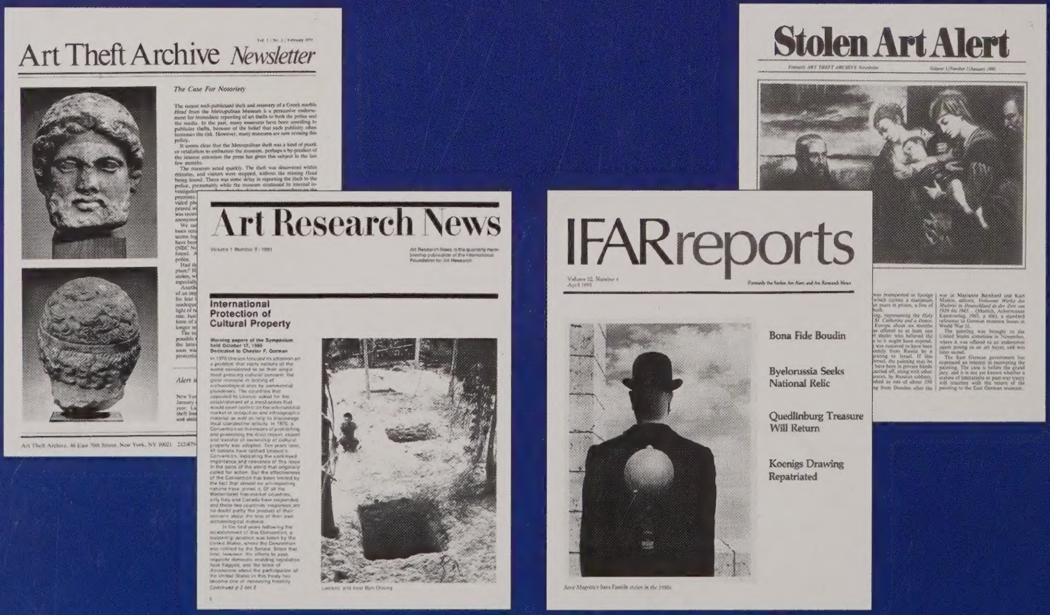

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